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Crl.O.P.No.16563 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16563 of 2025

M.Gurumurthy

... petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
CCD-I Police Station, Avadi City
(Crime No.50 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.50 of 2025 on the file of the respondent police.

For petitioner : Mr.R.Prabakar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.05.2025, for the offence punishable under Sections 318(4), 111(3) of
BNS read with Section 66D of Information Technology (Amendment) Act,
2008 in Crime No.50 of 2025, registered on the file of the respondent, seeks
bail.



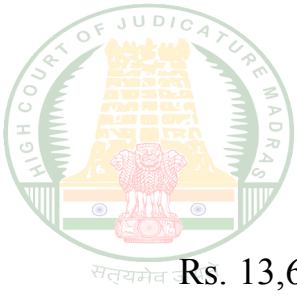
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2. The case of the prosecution is that the defacto complainant's wife received a whatsapp message in the name of VIP Sharekhan Edge representing online trading, for which the defacto complainant had uploaded her particulars of PAN card and other details and as per the instruction, initially she paid a sum of Rs.15,000/- and later, she paid a sum of Rs.13,59,500/- through various bank account, which was not returned and hence, she lodged a complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner's adhar card and other details was misused by unknown persons, who had opened the bank account in the petitioner's name. He further submitted that the petitioner without prejudice to his defence is ready and willing to deposit a sum of Rs.2,02,000/- to the credit of Crime Number.50 of 2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner along with other accused had cheated the defacto complainant to the tune of



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Rs. 13,62,500/- through petitioner's account. He further submitted that, there were 31 transactions to the tune of Rs.2,13,64,763/- and the petitioner had received 10 % commission, which comes out to the tune of Rs.2,02,000/-.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Poonamallee** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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(b) the petitioner shall **deposit a sum of Rs.2,02,000/- (Rupees Two Lakhs two thousand only) to the credit of Crime No.50 of 2025 before the *learned Judicial Magistrate No.I, Poonamallee.***

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[d] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of**



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Kerala [(2005)13 SCC 283];

[h] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of B.N.S.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. Judicial Magistrate No.I, Poonamallee
- 2.The Inspector of Police,
CCD-I Police Station, Avadi City
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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