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Crl.O.P.No.16704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16704 of 2025

Dinooshan

... Petitioner

Vs.

State rep. by
The Inspector of Police
CCD II (District Cyber Crime)
Police Station
Tiruppur.

... Respondent

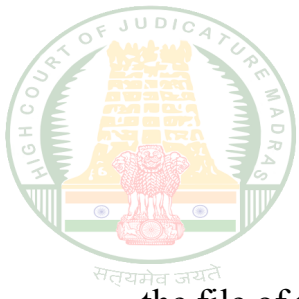
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.04 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.Shreemun Neeresh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2025, for the offences punishable under Sections 318(4) of BNS and Section 66(D) of IT Act, in connection with Crime No.04 of 2025, registered on



Crl.O.P.No.16704 of 2025

the file of the respondent, seeks bail.

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2. The case of the prosecution is that the petitioner had indulged in the offence with respect to cyber-crime and the amount of Rs.25,79,850/- lost by the de-facto complainant has not yet been recovered. Hence the case.

3. The contention of the petitioner is that the de-facto complainant lodged a complaint stating that he was cheated through whatsapp trade marketing and made a specific complaint against one Aiyana Joseph who is conducting is a online share marketing business in the name of Aditya Birla Wealth Enhancement and he had invested around 18 transactions and the money has been looted from his account. The respondent police not considering these transactions and conducting enquiry about the persons who involved in the transactions arrested the petitioner, who form part of the whatsapp group and one Sanfur Ahmed has been arrested and he was granted bail in the above case by the Judicial Magistrate No.III, Tirupour in CMP No. 1349 of 2025. The learned counsel further submitted that the petitioner is suffering incarceration from 18.04.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.16704 of 2025

WEB COPY

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that investigation is in progress and only two accused have been arrested and searches have been made for the two identified persons about their involvement and statement of bank account, service providers have to be made. He further seeks some more time to complete the investigation. Hence, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner and that the documents are already in the custody of the police, 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 his 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.III, Tiruppur** and on further conditions that:



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CrI.O.P.No.16704 of 2025

[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;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation.

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

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

[e] 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;

[f] 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 Kerala [(2005)13 SCC 283]**;

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

13.06.2025

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Crl.O.P.No.16704 of 2025

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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. The Judicial Magistrate No.III,
Tiruppur.
2. The Inspector of Police
CCD II (District Cyber Crime)
Police Station
Tiruppur.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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Crl.O.P.No.16704 of 2025

Crl.O.P.No.16704 of 2025

13.06.2025