



Crl.O.P.No.16912 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16912 of 2025

S.Senthil Kumar

... Petitioner

Vs.

State rep. by
The Inspector of Police
State Cyber Crime Investigation Centre
Cyber Crime Wing
Chennai District.

... Respondent

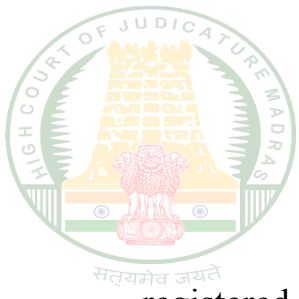
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.23 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Senthil Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.05.2025, for the offences punishable under Section 318(4) of BNS 2023 r/w 66D of IT (Amendment) Act, 2008, in connection with Crime No.23 of 2025,



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registered on the file of the respondent, seeks bail.

2.The gist of the prosecution case is that the defacto complainant is a retired Chief Personal Assistant in BHEL, Ranipet and his wife is working as a Tamil Teacher in Kingston CBSE School. On 02.12.2024 at about 10.15 a.m., the defacto complainant received a Whatsapp call, in which a person introduced himself as a Police Personnel from NSI Ashok Nagar Police Station, Bangalore and informed that one Sadakat Khan, is arrested in a case of human trafficking, he had 187 accounts, in which one of the account, in the name of the defacto complainant in Mumbai some money credited to this account, which war proceeds from human trafficking. Further, the Officer threatened the defacto complainant that he is the authorized person to cancel the arrest warrant against the defacto complainant and asked for money. Believing his words, the defacto complainant transferred a sum of Rs.81,68,000/- and thereafter there was no response. The defacto complainant verified the accounts and realised that he was cheated. Hence,defacto complainant lodged a complaint.

3.The contention of the learned counsel for the petitioner is that the defacto complainant lodged a complaint against unknown persons by giving three



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mobile numbers through which he received Whatsapp messages. The defacto complainant responded to the Whatsapp messages and in the process, he transferred money from his account to the accounts as per the message received and now claims that he was cheated by the petitioner and other accused. The respondent police failed to conduct any preliminary enquiry, not found the trail of the money, whether the petitioner and other accused participated in the transactions and without verifying these aspects, not identifying the transactions in the petitioners accounts, now projected a false case against the petitioner. The learned counsel further submitted that the petitioner is suffering incarceration from 12.05.2025 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.

4.The learned Government Advocate (Crl. Side) submitted that in this case so far four accused identified. The scam involves Rs.2.5 Crores. The petitioners arrested on 10.05.2025 and further investigation is to be carried out to find out the role played by the other accused. The petitioner is an agent, and he instructed other accused/A2 to open a Bank account for commission. Earlier, the bail petition filed by the petitioner before the Principal Sessions Judge, Chennai in Crl.M.P No.4685 of 2025 was dismissed on 04.06.2025. He further submitted that earlier, the bail petitions filed by the co-accused/A1, A2 and A4 were



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dismissed by this Court vide order dated 10.06.2025 made in Crl.O.P Nos.16197 and 16217 of 2025.

5.Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the fact that cyberstalking is committed on the defacto complainant, retired public sector employee and his wife which are yet to be traced, this Court is not inclined to entertain this petition.

6. Accordingly, this Criminal Original Petition stands dismissed.

13.06.2025

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To

1.The Inspector of Police
State Cyber Crime Investigation Centre
Cyber Crime Wing
Chennai District.

2. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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