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CrI.O.P.No.18047 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.18047 of 2025

Sharmila

... Petitioner

Vs.

The State Rep By,
The Inspector of Police,
Cyber Crime Police Station,
The Nilgiris.
(Crime No.13 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S, 2023, to grant anticipatory bail to the petitioner in the event of her arrest in Cr.No.13 of 2025 on the file of the respondent police.

For Petitioner : Mr.Surya Prakash
For Respondent : Mr.A.Gopinath,
Government Advocate (Criminal Side)

ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 35(3) of BNSS, in Crime No.13 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner was



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involved in an online investment scheme and collected a sum of Rs.16,21,900/- from the de-facto complainant. Hence, a complaint was registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has already refunded a substantial amount to the de-facto complainant. It is further submitted that during the enquiry conducted after service of summons, the petitioner also handed over a sum of Rs.1,72,000/- to the de-facto complainant. Hence, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that, during the investigation, out of the total amount of Rs.16,21,900/-, a sum of Rs.15,01,851/- was refunded to the de-facto complainant after obtaining appropriate orders from the Judicial Magistrate. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the fact that nearly 93% of the amount has been



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recovered, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate at Udhagamandalam**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the



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respondent police daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation;

[d] 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]**;

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

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To

- 1.The Chief Judicial Magistrate at Udhagamandalam.
- 2.The Inspector of Police,
Cyber Crime Police Station,
The Nilgiris.
- 3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.,



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