IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29-07-2025**

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP NO. 18672 of 2025

Adnan Hussain Khan
Plot No. 303/P-B, Suncity, Himayath Sagar, Himayathsagar, K.V. Rangareddy, TelanganaS/o Khairul Mubeen Khan, Plot No. 303/P-B, Suncity, Himayath Sagar, Himayathsagar, K.V. Rangareddy, Telangana - 500008.

Petitioner(s)

Vs

State of Tamilnadu, Rep. by Inspector of Police,
SCCIC Police Station, Cyber Crime Wing I Chennai District. (Cr. No. 28 of 2025)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.28 of 2025 on the file of respondent Police.

For Petitioner(s):
Dr.G. Krishnamurthy For
M/s.J. Sirajudeen

For Respondent(s):
M/s. Leonard Arul Joseph Selvam,
Government Advocate
(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 318 (4), 319 (2) of BNS, and under Section 66 D of Information

Technology Act, 2000, in Crime No.28 of 2025, seeks anticipatory bail.

2.The case of the prosecution is that the defacto-complainant namely Mohamed Salahuddin, is running a company named Alfa Trading Solutions, since 2019. The company was originally registered in the name of the defacto-complainant's wife who was granted power of attorney to manage the affairs of the company, was actively overseeing its operation. On 30.01.2025, a foreign company approached the defacto-complainant's company and placed an order to export 300 metric tons of sugar. Pursuant to this, the defacto-complainant approached the petitioner's company namely M/s.ADIK Exim Private Limited, which agreed to export 300 metric tons of sugar. A total sum of Rs.1,19,18,600/- was agreed upon. Thereafter, a Sales and Purchase Agreement (SPA) was executed. The first part of the payment was made by the defacto-complainant's company on 20.03.2025, amounting to Rs.14,25,000 through a banking transaction. The balance amount of Rs.1,04,93,000/- was paid on 23.03.2025. Subsequently, a fraudulent trade export release order was sent by the petitioner via whatsapp, purporting to confirm the shipment. However, no goods were ever dispatched. When the defacto-complainant, raised queries, the petitioner stated that 10 lorries of goods had already been dispatched. But to date no goods have been received and the amount has not been refunded. Hence, the case.

3.The contention of the petitioner is that the petitioner was running a company namely M/s.ADIK Exim Private Limited and functioned as an intermediary in commission based transactions related to export-import activities. In this case petitioner is a victim and petitioner was attempting to earn commission from the deal which he entered into with the defacto-complainant. The petitioner had approached another company namely M/s.MD Trading House to procure and deliver the goods. Based on assurances and representations made by M/s.MD Trading House, the petitioner transferred the amounts received from the defacto-complainant to M/s.MD Trading House and to the individuals identified by them. They had also forwarded the invoices confirming that the goods have been in transit and later it was to be delivered to the defacto-complainant. However, it was only at a later stage the petitioner came to know that he had been cheated and the said invoices are fake. The learned counsel for the petitioner further submits that in his name Rs.20,00,000/- had been retained and he is ready to deposit Rs.20,00,000/-. Hence, prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal side) submitted that in this case the complainant submitted that the defacto-complainant is running a company namely M/s.Alfa

Trading Solutions which has been engaged in export trading activities sinc On 30.01.2025, a foreign company approached the defacto-complainant and placed an order of 300 metric tons of sugar. The defacto-complainant approached the petitioner's company namely M/s.ADIK Exim Private Limited which agreed to export 300 metric tons of sugar. Thereafter, first part of the payment Rs.14,25,000/- was made by defacto-complainant's company on 20.03.2025 through bank transaction to the account of M/s.ADIK Exim Private Limited and the balance amount of Rs.1,04,93,000/- was paid on 23.03.2025. The petitioner projected that orders had been placed with sugar factories and further produced documents indicating that the sugar had been loaded, was in transit, and provided invoices and other supporting materials to substantiate this claim. Later it was found that no such orders were placed and no goods were transferred. The petitioner had fabricated document and cheated the defacto-complainant. Hence, the learned Government Advocate (Criminal Side) submitted that custodial interrogation of the petitioner is crucial at this juncture to recover the cheated amount, to thoroughly examine and seize all the documents, devices and digital evidence in his possession and to identify any other potential conspirators who may be involved in this crime.

5.Heard the learned counsels on either side and perused the records.

6.Considering the facts and circumstances of the case, the fact that a large sum of money has been misappropriated, that the investigation in this case has not been completed and since custodial interrogation of the petitioner is very much required in this case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

29-07-2025

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To

1. State of Tamilnadu, Rep. by Inspector of Police,
Plot No. 303/P-B, Suncity, Himayath Sagar, Himayathsagar, K.V. Rangareddy, TelanganaSCCIC Police Station,
Cyber Crime Wing I
Chennai District.
(Cr. No. 28 of 2025)

2.The Public Prosecutor

High Court of Madras.

M. NIRMAL KUMAR, J.

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