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Crl.O.P.No.17709 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17709 of 2025

Sudhakar

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Cyber Crime Police
Erode, Erode District
Crime No.60 of 2024

... 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. 60 of 2024 on the file of the respondent police

For Petitioner : Mr.K.Karthik

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
03.06.2025, for the offence punishable under Sections 318(4) of BNS Act, 2023
r/w 66(D) of Information Technology Act, 2000, in connection with Crime No.60
of 2024, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that defacto complainant invested a total sum of Rs.13,41,193/- through various accounts in an online trading platform with the expectation of earning illegal gains. However, he was unable to withdraw the invested amount. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 03.06.2025. He further submitted that the petitioner 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. Learned Additional Public Prosecutor appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that defacto complainant was cheated to the tune of Rs.12,70,950/-.

5. At this juncture, the learned counsel for the petitioner produced a letter of the defacto complainant/Nandhakumar wherein he confirms that he received a sum of Rs.70,000/- from this petitioner on 06.06.2025 and the said



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letter is scanned hereunder:-

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B.நந்தகுமார் S/O பாலசுப்ரமணியன், எண் 374, மணல்மேடு, கதிரம்பட்டி, ஈரோடு-638107 ஆகிய நான், எண் 3/183, மின்னகிரும்பட்டி, குப்பூர், தர்மபுரி-638704, வசிக்கும் குப்புசாமி குமாரர் சுதாகர் ஆகிய உங்களுக்கு எழுதிக் கொடுக்கும் உறுதி ஆவணம் என்னவென்றால் என்னை தெரியாத நபர்கள் ஆன்லைன் மூலம் பணம் மோசடி செய்துள்ளார்கள். அதில் சண்முகம் பன்னீர்செல்வம் எண் 3/78 மின்னகிரும்பட்டி, குப்பூர், தர்மபுரி-638704 என்பவரது (FEDERAL BANK ACCOUNT NUMBER) ஃபெடரல் வங்கி கணக்கு எண் :22710100050325 க்கு ரூ.70,000/- (ரூபாய் 70,000 மட்டும்) நான் அனுப்பியுள்ளேன் . இதைப்பற்றி சண்முகதிடம் காவல் துறை விசாரித்ததற்கு மேற்கண்ட சுதாகர் சொல்லித்தான் நான் என்னுடைய ரேஷன் கார்டு மற்றும் ஆதார் கார்டு சுதாகரின் பழைய நண்பர் ஒருவரிடம் கொடுத்தேன் என்று கூறியுள்ளார். ஆனால் சுதாகர் ஆகிய உங்களுக்கு என்னை ஏமாற்றிய நபருக்கும் இந்த பணம் மோசடிக்கும் எந்த தொடர்பும் இல்லை . இருப்பினும் அந்த தொகையை ரூ.70,000/- இன்று 06/06/2025 என்னிடம் கொடுத்துள்ளீர். உங்களுக்கே தெரியாமல் ரேஷன் கார்டு மற்றும் ஆதார் கார்டு பெற்றுக்கொண்டு உங்களது பெயரில் பணம் மோசடி செய்துள்ளதாக கூறியுள்ளீர். எனவே எனக்கு சேரவேண்டிய ரூ.70,000/- நான் பெற்றுக்கொண்டேன் இனிமேற்கொண்டு உங்கள் மீது சட்ட ரீதியாகவும் மற்றும் வேற எந்த வகையிலும் நடவடிக்கையும் எடுக்க மாட்டேன் என்று உறுதியாக கூறுகிறேன்

தேதி : 06/06/2025

இடம் : ஈரோடு

இப்படிக்கு

(B. நந்தகுமார்)



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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, considering the period of incarceration undergone by the petitioner, 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 Court-III, Erode** 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;

[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 interrogation;



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[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.

27.06.2025

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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-III, Erode
2. The Inspector of Police
Cyber Crime Police
Erode, Erode District
3. The Superintendent,
Sub-Jail, Kobichettipalayam.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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