



Crl.O.P.No.18902 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18902 of 2025

1.Dinakaran
2. Balamurugan

.. Petitioners

Vs.

State rep. by
Inspector of Police
Nagapattinam CCD-III, District Police Station
Nagapattinam District
Crime No.4 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners on bail in Crime No.4 of 2025 pending investigation on the file of respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.05.2025, for the offence punishable under Sections 318(4) of BNS Act and 66 D of IT Act 2008 in connection with Crime No. 4 of 2025 registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioners have fraudulently cheated the defacto complainant by posting fraudulent advertisement of sale of Royal Enfield Gt-650 and KTM Bikes on the OLX website and received an advance amount of Rs.2,85,000/- and subsequently, failed to deliver the vehicles. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 12.05.2025. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that there are totally four accused in this case and the petitioners, who are arrayed as A1 and A2, were arrested on 12.05.2025. He also submits that A3 and A4 were enlarged on bail by this Court in Crl.O.P.No.18527 of 2025 on 01.07.2025. However, he strongly objected to grant bail to the petitioners.



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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 and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.1, Nagapattinam** 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 petitioners are directed to deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) each to the credit of Crime No.4 of 2025 and shall produce the proof of payment before the learned Magistrate concerned at the time of executing the sureties. The learned concerned**



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magistrate shall deposit the same in the interest bearing fixed deposit scheme in any one of the nationalised banks.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

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

[f] the petitioners 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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]**;



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

03.07.2025

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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.I, Nagapattinam
2. Inspector of Police
Nagapattinam CCD-III, District Police Station
Nagapattinam District
3. The Superintendent,
District Prison, Nagapattinam.
4. The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

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