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Crl.O.P.No.19843 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.19843 of 2025

Mohammed Moideen

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Erode.
(Crime No.49 of 2024)

... Respondent

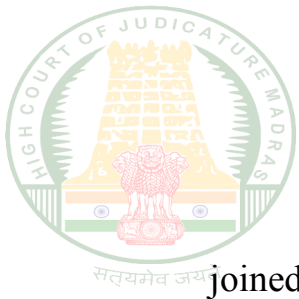
PRAYER : Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.49 of 2024 registered on the file of the respondent Police.

For Petitioner : M/s.G.Gayathri

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.06.2025 for the offences under Section 66(d) of the Information Technology Act r/w Section 318(4) of BNS in Crime No.49 of 2024, on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the de facto complainant had joined a WhatsApp group named “L2 SMC Global Securities Stock Pull up” and believing the representations made therein, downloaded an App called SMC Capital and invested in online trading. The de facto complainant transferred a sum of Rs.81,50,000/- to various accounts as directed by the accused. Subsequently, the de facto complainant realized that he had been cheated by the accused. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 20 years, is innocent and has been falsely implicated in this case. She further submitted that at the time of occurrence, the petitioner was a student and he had nothing to do with the alleged offence. However, without prejudice to his defence, the petitioner is ready to deposit a sum of Rs.1 lakh to the credit of crime number and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, she prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner. He further submitted that the petitioner was also involved in this offence and he had received a sum of Rs.2 lakhs in his account.



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5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances of the case and also taking note of the submissions made by the learned counsel on either side and 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 shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of Crime No.49 of 2024 and on such deposit and production of proof, 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 (out of which, one shall be the blood related surety of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.III, Erode**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police everyday at 10.30.a.m. and 5.30 p.m., for a period of 15 days and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond during during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]***;

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

14.07.2025

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To

1. The Judicial Magistrate No.III,
Erode.
2. The Inspector of Police,
Cyber Crime Police Station,
Erode.
3. The Superintendent,
District Prison,
Gopichettipalayam.
4. The Public Prosecutor,
High Court, Madras.

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