



CrI.O.P.No.21805 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21805 of 2025

Mohammad Irfan Shaikh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Coimbatore City,
Coimbatore District. (Crime No.62 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.62 of 2025 on the file of the respondent Police.

For Petitioners : Mr.R.C.Paul Kanagaraj for
Mr.W.Camyles Gandhi

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

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 23.05.2025 for the offences punishable under Sections 419, 420, 465, 468, 471 of IPC and 66D of Information Technology Act, in Crime No.62 of 2025 on the file of the respondent police, seek bail.



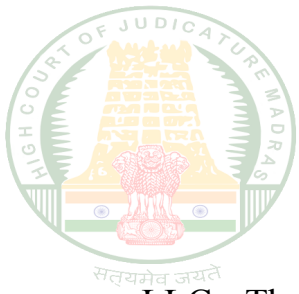
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2. The case of the prosecution is that petitioner along with other accused on the pretext of obtaining a job had cheated the defacto complainant and others to the tune of Rs.64,91,113/- and had also given fake appointment order. Hence, the complaint.

3. The contention of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is the second bail application filed by the petitioner. He further submitted that the petitioner's brother was using the petitioner name in face book and contact details, for which, the petitioner has been arrayed as an accused. He further submitted the specific overt act is against the 1st accused alone. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the defacto complainant is running a sole proprietorship concern under the name “Bimars Education”, duly registered under MSME Act. The petitioner is the brother of A1, is the Director of two duly registered international companies, namely Sunsteller Limited and Sunstellar



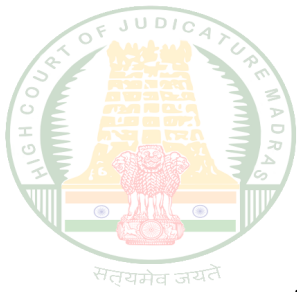
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LLC. The defacto complainant entered into an agreement with brother of the 1st accused, seeking employment and education opportunities abroad. It was agreed that A1 would receive a commission for the services rendered. Relying on the assurance provided by A1 and A2, the defacto complainant paid a total sum of Rs.64,91,113/- and that the accused persons fraudulently, misappropriated the said amount and cheated the defacto complainant. He further submitted there are 12 witnesses, out of which, four witness students have been examined. He further submitted that investigation was completed.

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

6. It is seen that accused A2 in collusion with A1, had posted advertisements on Facebook pertaining to foreign study visas and work permits and further introduced themselves to the defacto complainant through whatsapp communication originating from Ukraine. The accused persons represented that they had close connections with immigration authorities and could procure European visas and work permits. Believing the assurance given by the accused, the defacto complainant paid a sum of Rs.64,91,113/-. It is seen that the only over act against the petitioner is that he was in Face Book account. Out of 12 witnesses, only four students have been examined as witness.



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7. Considering the submissions made by the learned counsel appearing on either side and taking note of the nature of allegation and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **Judicial Magistrate No.IV, Coimbatore**, 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 trial Court on all hearing dates without fail.

[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



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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.

06.08.2025

drl

To

1. The Judicial Magistrate No.IV,
Coimbatore.
2. The Inspector of Police,
Cyber Crime Police Station,
Coimbatore City,
Coimbatore District.
3. The Superintendent, Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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M.NIRMAL KUMAR, J.

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