



Crl.O.P.No.32149 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32149 of 2024

M.Kiran Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Krishnagiri.

(Crime No.84 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with Crime No.84 of 2024, pending investigation on the file of the
respondent Police.

For Petitioner : Mr.V.Babu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.84 of 2024 registered for
the offences punishable under Section 318(4) of BNS and Section 66D of
Information Technology Act, is on board for consideration.

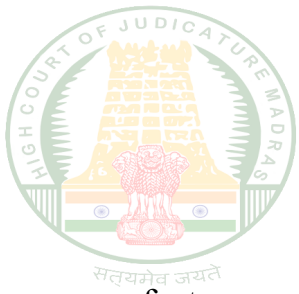


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2. The incarceration of the petitioner being from 22.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner was induced by the other accused to do some trade activities on the assurance of giving commission and on believing them, the petitioner has permitted the main accused to use his account, whereas, only later, he came to know that he was trapped in this scam. He further submits that the petitioner has not withdrawn any amount and the amount which was credited to the petitioner's account has been transferred to the different account and the petitioner has not benefited from the said transactions. He further submits that the petitioner was working in an IT company and he is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the de facto complainant had received a link from Facebook account Guggenheim India Business School and through which, he joined a WhatsApp group and on the false promise that he would get a huge profit by trading in Guggenheim India Business School, the accused had induced the de



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facto complainant to invest in trading. On believing the same, the de facto complainant, had transferred a total sum of Rs.72,93,100/- to various bank accounts and only later, he came to know that he was cheated by the accused. He further submits that a sum of Rs.4,02,000/- has been transferred to the petitioner's account from the account of the de facto complainant. Based on the complaint given by the de facto complainant through National Cyber Crime Reporting Portal ACK. No.32909240026681, the present case came to be registered. He further submits that the investigation in this case is still pending and further, two previous cases including a case is Crime No.53 of 2024 registered on the file of the Tanjore Cyber Crime for the similar offence are pending against him. He also submits that all over India, 109 complaints have been received in respect of the petitioner's account, therefore, if the petitioner is released on bail at this stage, there is every possibility of him absconding and tampering the evidence.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering the fact that the petitioner had confessed that his account was handled by the main accused and also taking note of the period of incarceration undergone



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by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (out of which, one surety should be a blood related surety of the petitioner), each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Krishnagiri**, and on further conditions that:

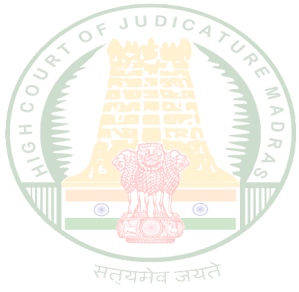
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[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***



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[(2005)AIR SCW 5560];

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

06.01.2025

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To

1. The Judicial Magistrate No.II,
Krishnagiri.
2. The Inspector of Police,
Cyber Crime Police Station,
Krishnagiri.
3. The Superintendent,
Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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