



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2140 of 2025

1. Vinitha Sivakkumar

W/o.Sivakumar, No.7A, Upstairs, CKS
Nagar, Gobichettipalayam, Erode
District-638 452

Petitioner(s)

Vs

1. State rep by the Deputy
Superintendent of Police
CCD-1, State Cyber Crime
Investigation Centre, Ashok Nagar,
Chennai-600 083

2.Vivek Kumar

Respondent(s)

PRAYER

To setaside the order dated 08.10.2025 made in Crl.M.P.No.7036 of 2025 in Cr.No.42/2025 passed by Honble Principal Sessions Court, Chennai and direct the learned XI MM /SubJudge , Saidapet, Chennai to release in favour of the petitioner the amount of Rs.10,00,000 deposited by the second respondent /accused in compliance with the bail condition imposed in Crl.M.P.No.5605 of 2025 in Cr.No.42 of 2025 on the file of the Deputy Superintendent of Police,



CCD-1, State Cyber Crime Investigation Centre, Chennai

For Petitioner(s): K.V.Muthu Visakan

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 08.10.2025 made in Crl.M.P.No.7036 of 2025 in Cr.No.42/2025 passed by Principal Sessions Court, Chennai and direct the learned XI MM /SubJudge, Saidapet, Chennai to release in favour of the petitioner the amount of Rs.10,00,000 deposited by the second respondent /accused in compliance with the bail condition imposed in Crl.M.P.No.5605 of 2025 in Cr.No.42 of 2025 on the file of the Deputy Superintendent of Police, CCD-1, State Cyber Crime Investigation Centre, Chennai.

2.The petitioner submits that he filed an application before the trial court for the withdrawal of an amount, but it was returned. Challenging this, he preferred an application before the trial court, which was dismissed by the Sessions Judge holding that the involvement of the accused in the above said crime need to be proved during the trial, and the ownership of the money also to



be decided at the time of trial. Therefore, the petitioner/ de facto complainant, was not entitled to withdraw the said amount, and the pending trial was challenged.

3. The learned counsel now argues in the present revision that totally 11 accused were involved in online trading cheating, making false promises based on which, the de facto complainant invested more than one crore. The de facto complainant sent Rs.20 lakhs to A6's account via RTGS, and therefore, he is entitled to withdraw Rs.10 lakhs deposited by A6 as per the conditional order imposed by the District Court while granting bail. However, the court below failed to appreciate the facts and circumstances properly. Hence, he prays to set aside the findings and direct him to withdraw the said amount.

4. The prosecution raised an objection but admits that, based on the complaint, the de facto complainant was cheated of more than one crore rupees, and 11 accused were involved. As per the preliminary investigation, A6 received Rs.20 lakhs from the de facto complainant via RTGS, and bank



statements and transactions were produced to that effect.

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5. Considering both sides' submissions, the facts reveals that the de facto complainant was cheated by 11 accused of One Crore Seventy Nine lakhs through false promises in online trading. He was forced to invest in share trading and subsequently cheated, leading him to file a complaint. Based on this, the respondent police initiated proceedings against 11 accused under sections 318(4)(b) of BNS and section 66(c) and 66(d) of IT Act. While granting bail for A6/R2, a condition was imposed to deposit Rs.10 lakhs, and said amount has been deposited.

6. Furthermore, as per the petitioner's statement relied upon by the prosecution, enclosed in the typed set of papers Page No.3, it is also proven that the de facto complainant transferred Rs.20 lakhs to the account of R2/A6 through Indian Overseas Bank via RTGS. There is prima facie material that the de facto complainant is entitled to withdraw the said amount.



7. In the light of the above, the order of the trial Court is set aside, and the petitioner is directed to withdraw the amount of Rs.10 lakhs deposited by R2 while granting bail in the crime number No.42 of 2025 before the trial court within a period of two weeks from the date of receipt of copy of this order. The petitioner is now directed to file an undertaking affidavit. Accordingly, this Criminal Revision Petition is allowed.

28-10-2025

Mpa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.State rep by the Deputy
Superintendent of Police
CCD-1, State Cyber Crime
Investigation Centre, Ashok Nagar,
Chennai-600 083

2. The Public Prosecutor,
High Court of Madras.

3.The Principal Sessions Judge, Chennai.

4.XI Metropolitan Magistrate/ Sub Judge, Saidapet, Chennai.

5.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
mpa

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