



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.29520 of 2025

H.Habeem @ Mohammed Rizwan

... Petitioner

Vs.

State Rep. by Inspector of Police,
Cyber Crime Police Station,
Delta-2, Central Crime Branch,
Chennai – 600007.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.45 of 2025 on the file of the respondent police.

For Petitioner	:	Mr.V.Raghavachari, Senior Advocate, for Mr.C.Gunasekaran
For Respondent	:	Mr.S.Udayakumar Government Advocate (Criminal Side)

ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 61(2), 381(4), 336(2), 336(3), 338, 340(2) of BNS, 2023 in Crime No.45 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner joining hands with other accused under the pretext of online trading business had collected a sum of Rs.24,90,427/- and thereby cheated the defacto complainant. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been asked to appear before the respondent police on summons and he has not aware of what had transpired between the parties as alleged in the FIR. He further submitted that though the allegations of manipulation of records, no amount was received by the petitioner as stated in the FIR. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that in this case A1 to A4 have already been arrested and this petitioner has been arrayed as A5 and investigation reveals that A1 to A4 started the various bank accounts in the names of various persons and applied for loan and collected the loan amounts, thereby cheating the bank, though there were no borrowers. It is further revealed that this petitioner has also been approached by the other accused for providing some more account details for the purpose of obtaining further loan. Hence, this petitioner was arrayed as accused. Hence, he opposed for grant of



anticipatory bail to the petitioner.

5. Considering the fact that though the allegations levelled in the complaint are serious in nature, it is stated that the petitioner has not collected money in this transaction alleged in the FIR, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Metropolitan Magistrate Court – XI, Saidapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix his 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;

[c] the petitioner shall report before the concerned Judicial Magistrate on all working day at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[d] 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 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]**;

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

05.11.2025

kmm



To

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1. The Inspector of Police,
Cyber Crime Police Station,
Delta-2, Central Crime Branch,
Chennai – 600007.

2. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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