IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.31757 of 2025

Mohd Zahid ... Petitioner

Vs.

The State rep by
Inspector of Police,
State Cyber Crime Investigation Centre,
Cyber Crime Wing,
Chennai.
(Crime No.27 of 2025) .... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner in the event of his arrest by the respondent in connection with Crime No.27 of 2025.

For Petitioner : Mr.E.Tharun Roshan

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 318(4), 319(2) of BNS and Section 66C and 66D of the Information Technology (Amendment) Act in Cr.No.27 of 2025, on the file of the respondent police seeks anticipatory bail.

2(i). The case of the prosecution is that the defacto complainant, namely S.P.Jayaprakash, was contacted on 03.04.2025 by one Rakesh Kumar through a WhatsApp video call, who claimed himself to be an officer of the Delhi Police and introduced another person by name Mohith Handa, posing as a CBI Officer. By threatening the defacto complainant, they collected a sum of Rs.58.80 lakhs from him. After some time, defacto complainant realized the situation and lodged complaint.

2(ii) Upon lodging of the complaint, it was found that the amount was transferred to the bank account of A1 in this case. A1 was immediately secured by the respondent police, and during investigation, it was revealed that A1 opened the bank accounts (1st layer) and that he had acted on the instructions of the petitioner, who is arrayed as A2 in this case. It was further revealed that the petitioner and A1 were working in the same hospital and that the petitioner had paid sums of Rs.25,000/- and Rs.50,000/- respectively for opening two bank accounts, which were used for transferring the money from the defacto complainant's account.

2(iii) It was also revealed that the amounts credited into the said accounts were subsequently withdrawn by other accused persons and that the money trail is yet to be completed. It is further alleged that the petitioner was taken into custody by the respondent police; however, while producing him before the concerned Judicial Magistrate for seeking a transit remand, the same was refused on the ground of insufficient materials. Thereafter, the present petition came to be filed before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner is working in a hospital and that he has not collected any money from the defacto complainant. He further submitted that the transit remand sought by the respondent police was rejected by the concerned Jurisdictional Magistrate on the ground that there were no materials to connect the petitioner with the alleged offence. He also submitted that, except the confession statement of A1, there is no other material to implicate the petitioner and that the petitioner has not derived any benefit from the alleged transactions. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that, during the course of investigation, it was revealed that the money received from the defacto complainant was transferred into the account belonging to A1. On interrogation, A1 disclosed that the petitioner had paid money for opening and operating the said bank accounts and that the petitioner had paid commissions to the extent of Rs.25,000/- and Rs.50,000/- for opening two bank accounts. It was further submitted that the petitioner had benefited

from the transactions and that the investigation is still pending. Hence, he opposed the grant of anticipatory bail.

5. I have carefully considered the submissions made on either side and perused the materials available on record, including the statement recorded from A1. The statement specifically reveals that, on the instructions of the petitioner, the bank accounts were opened and that, after opening the accounts, the passbooks and cheque books were collected and handed over to the petitioner. It is also stated that the petitioner paid Rs.25,000/- and Rs.50,000/- respectively to A1 for opening the said accounts. It is further seen that A1 was arrested and later enlarged on bail.

6. Considering the fact that the amount involved has not yet been recovered, that the offence relates to a digital arrest / cyber fraud, and that the investigation is still at a crucial stage requiring custodial interrogation of the petitioner, this Court is of the view that it is not a fit case to grant anticipatory bail.

7. Accordingly, this Criminal Original Petition is dismissed.

17.12.2025

Vv

K.RAJASEKAR, J.

Vv

To

1. The Inspector of Police
   State Cyber Crime Investigation Centre,
   Cyber Crime Wing, Chennai
2. The Public Prosecutor
   High Court of Madras, Chennai 600 104.

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