



CRL OP(MD). No.257 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Kumaresan,

... Petitioner/4th Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Cyber Crime Division – III,
Sivagangai.
(Crime No. 35/2024).

... Respondent/Complainant

For Petitioner : Mr.P.Suresh,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.35 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on



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06.12.2024 for the alleged offences under Sections 318(4) of BNS r/w. Section 65D of the Information Technology (Amendment) Act, 2008, INF C in Crime No.35 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 lured the defacto complainant to invest amount and accordingly, a total sum of Rs.86.95 lakhs was invested. Out of this amount, a sum of Rs.20 lakhs came into the account of A4. On investigation, it was found that A2 was operating the account of A4. A2 also happens to be the close relative of A1. The allegation against the petitioner is that Rs.10,00,000/- was transferred from Accused No.2 to the account of the petitioner herein. There are totally 5 accused persons in this case and the petitioner has been arrayed as A5.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely roped in this case and that the petitioner has nothing to do with the alleged offences. He further submitted that the petitioner has suffered incarceration from 06.12.2024.

4. Per contra, the learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that it is a concerted effort on the part of the accused persons in cheating the defacto complainant to invest money. The learned Additional Public Prosecutor further submitted that all the 5 accused persons were arrested in this case.

No amount was recovered till date and the investigation officer is in the process of



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finding as to whether these accused persons were involved in any other case.

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5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the entire fraud has taken place through online transaction and also considering the fact that the police have not taken any of the accused persons on police custody to recover the amount and considering the fact that the petitioner has suffered incarceration from 06.12.2024 and till date, there are no previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 learned Judicial Magistrate No.II, Sivagangai, 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 daily at 10.30 a.m. until further orders.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
08/01/2025

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.



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3 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.

4 THE INSPECTOR OF POLICE,
CYBER CRIME DIVISION - III,
SIVAGANGAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.SURESH, Advocate (SR-218[I] dated 08/01/2025)

ORDER
IN
CRL OP(MD) No.257 of 2025
Date :08/01/2025

SA/SAR. /08.01.2025/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.