



Petitioners/Accused No.1 & 3

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). Nos.925 and 1238 of 2025

1. Pradeep Kumar
2. Ganesh Moorthi

... Petitioners/ Accused No.1 & 3
in Crl.O.P(MD)No.925/2025

3. J.Ponmareeswaran

... Petitioners/ Accused No.5
in Crl.O.P(MD)No.1238/2025

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
CCD-III (Cyber Crime),
Kanyakumari Police Station at Nagercoil,
Kanyakumari District.
(Crime No.58 of 2024).

... Respondent/ Complainant
(for both cases)

For Petitioner : M/s.S.Palanivelayutham, Advocate
in Crl.O.P(MD)No.925/2025
: Mr.A.Rajaram, Advocate
in Crl.O.P(MD)No.1238/2025

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor (for both cases)

PETITIONS FOR BAIL Under Sec.483 of BNSS

<https://www.mhc.tn.gov.in/judis>



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COMMON PRAYER :-

For Bail in Crime No.58 of 2024 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/ A1, A3 and A5, who were arrested and remanded to judicial custody on 07.12.2024 for the offences under Sections 420 of IPC and 66D of Information Technology Act in Crime No.58 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant saw an advertisement of share market in the Facebook. He joined in the Whatsapp group based on the same. As per the instructions given by the admin of the Whatsapp group and the other members, the defacto complainant paid a total sum of Rs.17,50,000/- on several dates to various bank accounts. Later it came to light that the entire transaction is a fraud and the defacto complainant was cheated. There are totally six accused persons in this case and the petitioners have been arrayed as A1, A3 and A5.

3. The learned Additional Public Prosecutor appearing for the respondent

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police submitted that A1 was initially working in Cambodia and he had contact with one Belgin and this person continues to work in Cambodia. Later, A1 instigated A2 to A4 and made them open current account. A1 received the cheque book and the ATM card from A2 to A4 and the defacto complainant was made to deposit the amount in the bank account of A2 and A4. Thereby, the entire amount was siphoned off. Insofar as the overt act of A3 is concerned, he is the close associate of A2 and A5 and both of them were working in a bank. A1 is said to have paid a sum of Rs.30,000/- for the purpose of opening the bank account. He further submitted that the accused persons had intentionally cheated the defacto complainant and five accused persons have been arrested in this case and one person is absconding and he is in Cambodia.

4. Heard the learned Counsel appearing on either side.

5. In the considered view of this Court, the investigation is still pending and considering the nature of allegations that have been made against A1, this Court is not inclined to grant bail to A1 at this stage. Hence, the petition in CrI.O.P(MD) No.925 of 2025 is dismissed insofar as the A1 is concerned. Insofar as A3 and A5 are concerned, they are victims of greediness and they had acted as per the instructions



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given by A1. Both of them were arrested and remanded to judicial custody on 07.12.2024. This Court also takes into consideration the fact that there are no previous cases against these two accused persons. Hence this Court is inclined to grant bail to A3 and A5 subject to the following conditions.

6. Accordingly, the criminal original petition in CrI.O.P(MD)No.925 of 2025 is partly allowed insofar as A3 is concerned and the criminal original petition in CrI.O.P (MD)No.1238 of 2025 is ordered and the petitioner Nos.2 and 3 (A3 and A5) are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, 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 Nos.2 and 3 (A3 and A5) shall report before the respondent police every Monday and Friday at 10.30 a.m until further orders.

[c] the petitioner Nos.2 and 3 (A3 and A5) shall appear before the trial Court during every hearing date without fail.



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[d] the petitioner Nos.2 and 3 (A3 and A5) shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner Nos.2 and 3 (A3 and A5) shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner Nos.2 and 3 (A3 and A5) in accordance with law as if the conditions have been imposed and the petitioner Nos.2 and 3 (A3 and A5) 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].

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

sd/-
23/01/2025

/ TRUE COPY /

24/01/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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- 1.THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT,
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
CCD-III, (CYBER CRIME),
KANYAKUMARI POLICE STATION AT NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-760[I] dated 23/01/2025)

+1 CC to M/s.A.RAJARAM, Advocate (SR-730[I] dated 23/01/2025)

ORDER
IN
CRL OP(MD). Nos.925 and 1238 of 2025
Date :23/01/2025



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RK (24/01/2025) 7P / 8C

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