



CRL OP (MD) No.6558 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6558 of 2025

Sakthivadivel

... Petitioner/ Accused
Rank Not Known

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
CCD-III, Madurai,
Madurai District.
Crime No.20 of 2024

... Respondent/Complainant

For Petitioner : Mr.A.Uthaya Kumar
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.20 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-



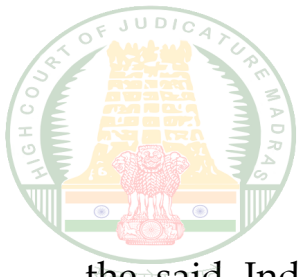
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This Criminal Original Petition has been filed by the petitioner on 07.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner / accused rank not know was arrested and remanded to judicial custody on 15.03.2025 for the alleged offences punishable under Sections 420 of Indian Penal Code, 1860 and Section 66 of Information Technology Act, 2008, in Crime No.20 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner used to invest in the share market. Knowing this, the accused persons contacted the petitioner through WhatsApp messages and persuaded him to invest in an international share market scheme under the pretense of offering high returns. Based on their assurances, the petitioner invested a total sum of Rs.96,57,953/- in the "PLIS" application, which he installed on his device following the instructions given by the accused persons. The said amount was transferred on various dates from both the petitioner's account and his wife's account. The accused persons also falsely showed that the petitioner had Rs.10.7 crores in his Indian Wallet Account and demanded a further sum of Rs,1.10 crore for enabling the withdrawal of that amount. Upon becoming suspicious, the petitioner requested the return of his invested amount, but the accused persons froze



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the said Indian Wallet Account. Subsequently, when the petitioner attempted to withdraw atleast Rs.10,00,000/- (invested by him on 25.04.2024), he was able to withdraw only Rs,2,00,000/- through his Canara Bank account. Soon after, the accused persons froze the said Canara Bank account of the petitioner as well. Thus, the petitioner has been cheated by the accused persons. Hence the case.

4. Mr.A.Uthaya Kumar, learned counsel appearing for the petitioner, submits that the petitioner and the defacto complainant amicably settled the issue and that the petitioner is ready to give a sum of Rs.2,00,000/- to the defacto complainant. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that huge amount is involved in this case and that investigation is yet to be completed, and therefore, at this stage, if the petitioner is enlarged on bail, he will abscond and cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 15.03.2025 and has been in judicial custody



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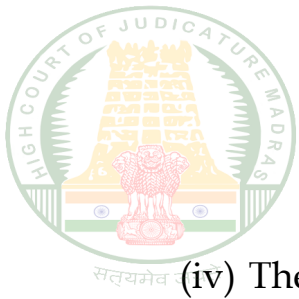
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since then. The defacto complainant is present before this Court and received a sum of Rs.2,00,000/- vide D.D.No.319558 dated 19.04.2025. Further, the defacto complainant submits that he has no objection to grant bail to the petitioner. In view of the facts and circumstances of the case and also in view of the submission made by the defacto complainant and taking note of the period of incarceration, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Hence, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;



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(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Madurai weekly twice i.e., on every Monday and Friday at 10.30 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall also not cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

1 THE JUDICIAL MAGISTRATE NO I
MADURAI

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
CCD-III, MADURAI,
MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6558 of 2025
Date :21/04/2025

HPS/SAR / 22.04.2025/6P/6C

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