



For Crl.O.P(MD)No.22441 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). Nos.22441 and 23125 of 2024

For Crl.O.P(MD)No.22441 of 2024

Ajukumar @ Kali

... Petitioner/ Accused
(Rank not known)

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Tirunelveli Cybercrime Ps,
Tirunelveli City.
(Crime No.40/2024).

... Respondent/ Complainant

For Petitioner : Mr.R.Mathava Selvam, Advocate

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

For Crl.O.P(MD)No.23125 of 2024

Syed Ali

... Petitioner/ Accused No.2

Vs



For CrI.O.P(MD)No.22441 of 2024

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The State of Tamilnadu,
Rep by the Inspector of Police,
Tirunelveli Cybercrime Ps,
Tirunelveli City.
(Crime No.40/2024).

... Respondent/Complainant

For Petitioner : Mr.R.Ganesan, Advocate

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :-

For Bail Crime No.40 of 2024 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 09.11.2024 for the offences under Section 318(4) BNS (hereinafter referred to as new penal code) and Section 66(D) of Information Technology (Amendment) Act, 2008 in Crime No.40 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant has a savings bank account in Axis Bank and Punjab Bank. Both these accounts are linked to his



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mobile number. He came across an advertisement pertaining to Forex trading through a whatsapp message. The defacto complainant contacted the entity from which he received the message and started following up the instructions. Initially, he had sent a sum of Rs.50,000/- to a particular account and he received in return a sum of Rs.62,665/-. Since the defacto complainant received profit, he started believing the instructions received by him and he invested total amount of Rs.8,10,000/- into various accounts. Eventually he realized that he had been defrauded and the same resulted in lodging a complaint before the Cyber Crime Police Station at Tirunelveli.

3. The respondent police on investigation found that there is a large network, which is involved in this fraudulent cyber crime. Insofar as A2 is concerned, it is alleged that he was the one, who have provided the accounts details of various persons to A3. He had collected those account details from A1. Thereafter, these account details were misused and various persons started depositing money. In the Course of investigation, it was found that several complaints have been received all over India due to this scamming activities. Insofar as A2 is concerned, he had provided seventeen account details out of which, nine accounts were misused and a total sum of Rs.2,39,16,518/- was collected. What has been recovered till now from A4 is only a sum of Rs.4,60,000/- and the remaining amount is yet to be recovered.



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Till now five accused persons have been identified and the petitioners are A1 and A2.

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4. When the matter came up for hearing on 20.12.2024, this Court directed the investigation officer to file a status report in order to enable this Court to understand the scope of offence committed by the accused persons. Accordingly, a detailed status report has been filed by the respondent. On going through the same, it is seen that there is a large network involved in this case and it will take substantial time to complete the investigation. Even though the respondent has vehemently opposed the grant of bail to the petitioners, the fact remains that the petitioners were remanded to judicial custody on 09.11.2024 and they will be entitled for statutory bail in another week. No useful purpose will be served in keeping the petitioners inside jail and they can be enlarged on bail by imposing stringent conditions. By making the petitioners report before the investigation officer, some progress can also be made in the investigation.

5. In the light of the above, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, these criminal original petitions are ordered and the petitioners



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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.I, Tirunelveli, 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners shall appear before the trial Court during every hearing date without fail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 BNS 2023.

sd/-
03/01/2025

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03/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
TIRUNELVELI CYBERCRIME PS,
TIRUNELVELI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MATHAVA SELVAM, Advocate (SR-59[I] dated 03/01/2025)

ORDER
IN
CRL OP(MD). Nos.22441 and 23125 of 2024
Date :03/01/2025



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WIKI RK/(03/01/2025) 7P / 7C

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