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Cr.O.P.No. 31665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31665 of 2024

1.T.Prasanth

2.Nirmala

...Petitioners

Versus

The State Rep by its

The Inspector of Police,

Taluk Police Station

Tiruvarur

(In Crime No. 478 of 2024)

...Respondent

Criminal Original Petition filed u/s.482 of BNSS, 2023 praying to enlarge the petitioners on bail in the event of arrest in Crime No. 478 of 2024 on the file of the respondent police.

For Petitioner(s): Mr.Rajeshkrishnan R.

For Respondent(s): Mr.S.Santhosh, Govt. Adv. [Crl. Side]



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ORDER

Apprehending arrest in connection with Crime No.478 of 2024 registered for the offences punishable under Sections 296(b), 131, 351(3) of BNS, 2023 and Sec.4 of the Tamil Nadu Prohibition of Women Harassment Act, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that petitioners received a sum of Rs.13,00,000/- from the de-facto complainant under the guise of constructing the house of the de-facto complainant. Thereafter, the petitioners had cheated the de-facto complainant. When the de-facto complainant requested the petitioners to repay the said amount, the petitioners have abused filthy language and threatened her. Hence, the respondent police registered a case against the petitioners.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that there were financial transactions between the petitioners and the de-facto complainant. He would submit that the



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petitioners are innocent persons and false complaint has been given against the petitioners. He would further submits that there is no previous case is pending against the petitioners and they are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that petitioners received a sum of Rs.13,00,000/- from the de-facto complainant under the guise of constructing the house of the de-facto complainant. Thereafter, the petitioners had cheated the de-facto complainant. When the de-facto complainant requested to repay the said amount, the petitioners have abused filthy language and threatened her. He further submits that there is no previous case against the petitioners.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant



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anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Tiruvarur**, on condition that the petitioners shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners and 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;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders;



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[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 petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 of BNS.

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A.D.JAGADISH CHANDIRA, J.

MSM

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