



Crl.O.P.No.32425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.No.32425 of 2024

Shihabudheen

... Petitioner

Versus

The State Represented by
Inspector of Police,
V-5 Thirumangalam Police Station,
Chennai District.
(Crime No.686 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023 to grant anticipatory bail to the petitioner herein in the event of his arrest, crime no.686/2024 dated 08.12.2024 under Sections 406 and 420 of IPC, 1860 on the file of the Inspector of Police, V-5 Thirumangalam Police Station, Chennai District.

For Petitioner : Ms.R.Kalaivani

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 406 and 420 of the Indian Penal Code, 1860 in Crime No.686 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner fraudulently induced the defacto complainant to invest Rs.32,00,000 as a super stockist but failed to deliver goods or return the amount.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and has been falsely implicated in this case. He further submitted that the petitioner, without prejudice to his defense and contentions, is ready and willing to pay a substantial amount of Rs.21,00,000/- in three installments before March 2025.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner by stating that the offences are grave in nature; Hence, he strongly opposed granting anticipatory bail to the petitioners.



5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to pay a substantial amount of Rs.21,00,000/- in three installments before March 2025 and he prays to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the arguments from both sides, the nature of the offence, and considering the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to pay a substantial amount of Rs.21,00,000/- in three installments before March 2025 and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, this Criminal Original Petition is allowed, directing the petitioner to pay Rs.21,00,000/- in three installments of Rs.7,00,000/- each, to be paid on the 7th calendar day of January, February, and March and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy



made ready, before the **learned XIII Metropolitan Magistrate Court, Egmore,**

Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall make a non-refundable deposit of **Rs. 10,000/- (Rupees Ten Thousand only)** to the credit of **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court.

(b) the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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



CrI.O.P.No.32425 of 2024

Section 269 B.N.S.2023.

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27.12.2024

skr/dpa

To

1. The State Represented by
The Sub-Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
2. The Public Prosecutor,
High Court, Madras.
3. Learned XIII Metropolitan Magistrate Court, Egmore, Chennai



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Crl.O.P.No.32425 of 2024

L.VICTORIA GOWRI, J.

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Crl.O.P.No.32425 of 2024

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