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Crl.O.P.No.535 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.535 of 2025

Gurusamy
S/o. Arjunan

....Petitioner/Accused-1

Vs

The State represented by
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur
(Crime No.1076 of 2024)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest **in Crime No.1076 of 2024**, on the file of the
respondent police.

For Petitioner	: Mr. N. Ponraj
For Intervener	: Mr. Jerry V.V. Sundar
For Respondent	: Mr. S. Santhosh Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(4) of BNS, 2023, in Crime No.1076 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had received a total sum of Rs.5,05,000/- from the *de facto* complainant on various dates on the promise of providing huge returns and did not repay the money and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the petitioner had availed a loan of Rs.1,65,000/- and had repaid Rs.1,05,000/- and had also issued cheques and promissory notes guaranteeing repayment of loan; that he has issued lawyer's notice on 04.10.2024 calling upon the *de facto* complainant to return the cheques and the blank papers and that the instant complaint was filed thereafter.



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4. The learned counsel appearing for the *de facto* complainant vehemently opposed to grant of anticipatory bail stating that the petitioner had received a total sum of Rs.5,05,000/- and cheated the *de facto* complainant.

5. Heard the learned Government Advocate(Crl. Side) who reiterated the prosecution case.

6. The question as to whether the petitioner had borrowed money from the *de facto* complainant or whether he had received money promising huge returns is the matter for trial. It is seen that the allegations are borne out by records and hence, this Court is of the view that custodial interrogation of the petitioner is not required. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



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from the date on which the order copy made ready, before **the learned**

Judicial Magistrate III, Tiruppur, on condition that the petitioner 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

learned Magistrate concerned, failing which, the petition for anticipatory

bail shall stand dismissed and on further condition that:

[a] the petitioner 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.

[b] the petitioner shall report before the respondent Police, everyday at 10:30 a.m., until further orders.

[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,



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

07.04.2025

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To

1. The Judicial Magistrate III, Tiruppur
2. The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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