



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL O.P.No. 1921 of 2025

Vadivel

Petitioner(s)

Vs.

The State of Tamilnadu,
Represented by the Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.362 of 2024)

Respondent(s)

For Petitioner(s): Mr.A.Sriram

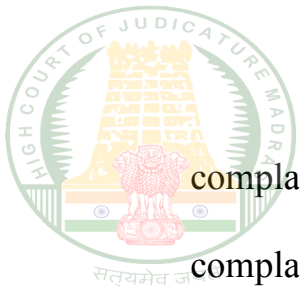
For Respondent(s): Mr.S.Santhosh, Government Advocate,(Crl.side)

For Intervener(s) : Mr.T.Ganesan and Mr. K. B. Vivkanandhan

ORDER

Apprehending arrest in connection with Crime No.362 of 2024 registered for the offences punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita,(BNS), 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and the petitioner were partners in real estate business. Further he states that the accused stole documents and a cheque book belonging to the de-facto



complainant and filed a false criminal complaint against the de-facto complainant. Hence, this case.

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3. The learned counsel for the petitioner submits that the petitioner and the de-facto complainant ran a real estate business as partners, but later they split the business. The de-facto complainant issued cheques to settle his liability to the petitioner. However, when the petitioner presented cheques for collection, they were returned as dishonored. After issuing a notice to the de-facto complainant, the petitioner filed a case under Negotiable Instruments Act, 1881. As a result, the de-facto complainant allegedly filed a false complaint, claiming that the petitioner stole his cheques. He further submits that the petitioner is an innocent person who has been falsely implicated in this case. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner. He stated that the de-facto complainant and the petitioner/accused jointly started a real estate business with a capital of Rs.75 Lakhs. The petitioner allegedly stole documents and cheques from



the firm and filed a false case against the de-facto complainant. Further, he submitted that there are nine previous cases pending against the petitioner, out of which four cases have been disposed of.

5. Learned counsel appearing for the intervener/de-facto complainant has also vehemently opposed for grant of anticipatory bail to the petitioner, stating that the petitioner committed theft and breached the trust of the de-facto complainant.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case, and also considering the nature of the offence charged against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 from the date of receipt of a copy of this order, before **the learned Judicial Magistrate No.2, Attur**, 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

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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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

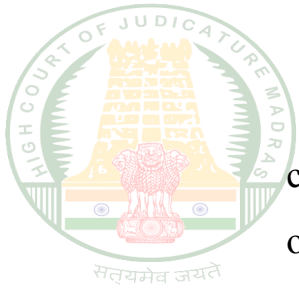
[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent Police on everyday at 10:30 A.M., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

[e] the petitioner shall not abscond either during the investigation or during the 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



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conditions have been imposed and the petitioner was 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];

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

28-01-2025
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To

- 1.The Inspector of Police,
Thalaivasal Police Station, Salem District.
- 2.The Judicial Magistrate No.2, Attur.
- 3.The Public Prosecutor, High Court, Madras.



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A.D. JAGADISH CHANDIRA, J.

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