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Crl.O.P.No.1724 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 1724 of 2025

1. Praveen Kumar
2. Sailesh Kumar
3. Subashchand Nahar ...Petitioners/A1 to A3

Vs.

The State Rep. by
The Inspector of Police,
M-3, Puzhal Police Station,
Thiruvallur District.
(Crime No.888 of 2022) ...Respondent/Complainant

S.Murali ... Intervenor/Defacto complainant

[Defacto complainant permitted to intervene vide order of this Court [SMJ] dated 12.03.2025 made in Crl.M.P.No.2997 of 2025 in Crl.OP.No.1724 of 2025]

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.888 of 2022 on the file of the respondent police.

For Petitioner : Mr.Pranav Jain

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

For Intervenor : Mr.B.Janakiram



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 and 506(I) of IPC in Crime No.888 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Earlier, the petitioners apprehending arrest filed anticipatory bail petition in Crl.OP.No.17028 of 2023 and on 27.09.2023, this Court had granted anticipatory bail *inter alia* on the following condition.

“7.[b] the petitioners are directed to deposit a sum of Rs.36,00,000/- (Rupees Thirty Six lakhs only) to the credit of Crime No.888 of 2022, before the concerned Magistrate within a period of eight weeks, failing which, the anticipatory bail shall stand dismissed;”

3. The petitioners have not complied with the said condition in spite of this Court granting further extension to make the deposit. Thereafter, the petitioners had filed the instant anticipatory bail, which was listed before Hon'ble Mr.Justice A.D.Jagadish Chandira.



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4. On 12.02.2025, on the submissions made by the learned counsel for the petitioners, the learned Judge has made the following observations.

“2.He would submit that the petitioners had now arranged funds and they are ready to pay the amount, which they had received through their bank account, i.e., a sum of Rs.12.77lakhs. He further submits that the petitioners are ready to pay an amount of Rs.15,00,000/- directly to the defacto complainant, by way of a demand draft and they are ready to deposit the balance amount of Rs.21,00,000/- to the credit of the crime number. The learned counsel for the petitioners also undertakes to file an affidavit to that effect and seeks time for the same.

3.List the matter on 19.02.2025, till then the respondent police shall not take coercive steps against the petitioners.”

5. Thereafter, pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025, the instant Anticipatory Bail petition is listed before this Court.

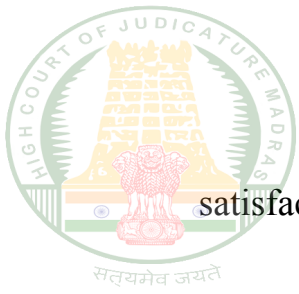
6. Today, when the matter was listed for hearing, the learned counsel for the petitioners submitted that he is now ready with the demand drafts for Rs.15 Lakhs drawn in favour of the defacto complainant and undertakes to deposit the demand drafts for Rs.21,00,000/- to the credit of 'Crime No.888



of 2022', M-3, Puzhal Police Station. The affidavit of undertaking dated 18.02.2025, filed by the petitioner to that effect, is taken on file and the petitioner has handed over the Demand Drafts for Rs.15 Lakhs to the defacto complainant, who was present in Court and he also acknowledged the same.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, **the petitioners shall deposit the demand drafts for Rs.21,00,000/- [Rupees Twenty-One Lakhs only] to the credit of 'Crime No.888 of 2022', M-3, Puzhal Police Station, as per their undertaking,** within a period of two weeks from the date on which the order copy is made ready and on such deposit and production of proof thereof, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days, thereafter, before the learned **District Munsif cum Judicial Magistrate, Madhavaram**, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the



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satisfaction of the said Magistrate, on further condition 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, as and when required for interrogation;
- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners shall not tamper with evidence or witness 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 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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.03.2025

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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
M-3, Puzhal Police Station,
Thiruvallur District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The District Munsif cum Judicial Magistrate,
Madhavaram,

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(2/2)

12.03.2025