



Crl.O.P.No.2207 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2207 of 2025

Mahendra Yadhav, (M/A-40)
S/o. Kailash Narayan Yadav

...Petitioner

Vs

The State Rep by, The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District
(Crime No.479/2022)

...Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.479 of 2022 on the file of the respondent police.

For Petitioner : Mr.M. Mohamed Riyaz

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate [Criminal side]

For Intervener : Mr. P. Thiagarajan



ORDER

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The petitioner / Accused-1, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 409, 420 and 506(ii) IPC, in Crime No.479 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner alongwith A2 had purchased spare parts from the defacto complainant to the tune of Rs.1,79,68,133/- and that they had paid only Rs.1,17,80,480/- and failed to pay the balance amount of Rs.61,87,653/- and when the defacto complainant approached the petitioner, the petitioner had not only refused to make payment but also threatened him with dire consequences.

3. Learned counsel for the petitioner would submit that the petitioner had continuous business transaction with the defacto complainant and that the petitioner has paid the cost of the goods and in any case considering the nature of allegations, custodial interrogation of the petitioner is not required. Hence, he prayed to grant anticipatory bail to the petitioner.



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4. Learned counsel appearing for the intervener/defacto complainant, however, would submit that it is false to say that the petitioner had paid the entire amount and that their intention is to cheat the defacto complainant and hence no indulgence should be shown to the petitioner.

5. Heard the learned counsel for the petitioner, learned counsel for the intervener/defacto complainant and the learned Government Advocate (CrI.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations that the petitioner had purchased the materials from the defacto complainant and he is due to pay Rs.61,87,653/- and had paid Rs.1,17,80,480/- out of the total due amount of Rs.1,79,68,133/-, this Court is of the view that since this is a case of commercial transaction, custodial interrogation of the petitioner is not required for the purpose of investigation and hence inclined to grant anticipatory bail to the petitioner on certain conditions.



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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 from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Sirkazhi**, 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 conditions 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.

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

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



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

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[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 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

07.02.2025

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To

1. The Judicial Magistrate, Sirkazhi.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District
(Crime No.479/2022)



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SUNDER MOHAN. J.,

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