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Crl.OP.No.2705 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2705 of 2025

R.B.Ezhiloviyar @ Mariswaran

... Petitioner /Accused

Vs.

The State rep. by
The Inspector of Police,
Ramnathapuram Police Station,
Coimbatore – 641 045.

... Respondent/Complainant

(Crime No.286 of 2024)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.286 of 2024 by the respondent Police.

For petitioner : Mr.Calvin Jones

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

For Intervenor : Mr.L.Mouli



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(1) of IPC, in Crime No.286 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is a divorcee and that the petitioner claiming to be a divorcee, had approached the defacto complainant through matrimonial website and become friendly with the defacto complainant and promised to marry the defacto complainant and during the course of friendship, the petitioner requested the defacto complainant to invest Rs.26 lakhs in his business and promised to pay huge returns and that believing the said representation, the defacto complainant transferred a sum of Rs.15,89,000/- through bank account and paid Rs.9,38,000/- by way of cash and thereafter the petitioner cheated the defacto complainant. Hence, the case.



3.The learned counsel for the petitioner would submit that though the petitioner had received the amount of Rs.15,89,00/-, had transferred a sum of Rs.6,38,152/- to the defacto complainant and in any case, in order to show bonafide, the petitioner is willing to pay Rs.7,00,000/- to the defacto complainant and that custodial interrogation of the petitioner is not required for the purpose of investigation and hence, he prays for the grant of anticipatory bail. The petitioner has filed an affidavit of undertaking to pay Rs.7,00,000/- to the defacto complainant.

4.The learned Government Advocate (Crl. Side) for the respondent would reiterate the case of the prosecution and submitted the counter affidavit.

5.The learned counsel for the defacto complainant would however submit that the petitioner is due to pay a total sum of Rs.35,00,000/-, including the interest and opposed the grant of bail.

6.Heard the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



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7.Considering the nature of allegations, affidavit filed by the petitioner undertaking to pay a sum of Rs.7,00,000/- to the defacto complainant, within a period of four weeks and that the entire case is borne out by records and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions:

8.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 copy of this order, before the **Judicial Magistrate VI, Coimbatore**, on condition that the petitioner shall execute a bond for 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 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 petitioner shall pay a sum of Rs.7,00,000/- to the defacto complainant, within a period of four weeks from the date of receipt of a copy of this order, as undertaken by him.

[c] the petitioner shall inform the learned Magistrate, as and when he travels abroad.

[d] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

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

[g] 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



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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];

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

13.02.2025

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To

1.The Inspector of Police,
Ramnathapuram Police Station,
Coimbatore – 641 045.

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

3. The Judicial Magistrate VI, Coimbatore.



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SUNDER MOHAN, J.

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