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CRL OP NO. 2974 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2974 of 2025

Rijeesh Kalari Kandi
S/o. Kunnahammed No. 3152, Prestige Lake
Ridge Apartment, Uttarahalli,
Subramanyapura, Bengaluru - 560 061.

Petitioner(s)

Vs

The State Rep.By, The Inspector Of Police
Rathinapuri Police Station,
(Crime No. 365/2024)

Respondent(s)

For Petitioner(s): Mr.Kalaimani S

For Respondent(s): Mr.S.Santhosh

Government Advocate, Criminal Side.

ORDER

Apprehending arrest in connection with Crime No.365 of 2024
registered for the offences punishable under Sections 316(2), 318(4) of
BNS, 2023, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution is that as per the de-facto complainant, the petitioner/A2 was running a business in the name and style of United Solar and Wind Power Technology and Electric Battery Manufacturer Company at Bangalore; The A1 along with the de-facto complainant had approached this petitioner a loan for investing in their new business at Dubai and that the petitioner promising to obtain a huge loan amount, had received a sum of Rs.20,00,000/- from the de-facto complainant and neither obtained loan nor returned the money. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that there was business transactions between the first petitioner and the de-facto complainant and therefore, custodial interrogation is not required in this case. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.



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4.The learned Counsel for the de-facto complainant would submit that the petitioner along with others had cheated the de-facto complainant to the tune of Rs.20,00,000/- and therefore, if anticipatory bail is granted to the petitioner there is every possibility of tampering the evidence. He would further submit that the petitioner who is a resident of Bangalore and their Company is functioning Abroad. Therefore, he opposed that for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate [Criminal Side] appearing for the respondent police would submit that the petitioner along with others had cheated the de-facto complainant under the guise of business transactions to the tune of Rs.20,00,000/-; that no amount has also been recovered from the petitioner and others; that the investigation is pending; and that there is no previous case pending against the petitioner.



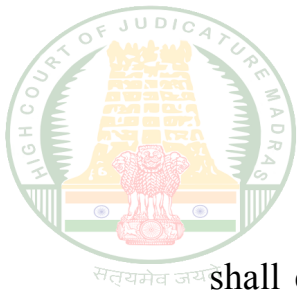
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6. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, that it is a commercial transaction between the de-facto complainant and the petitioner; and since the accusation is borne out by records custodial interrogation is not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner. However, since the petitioner is a resident of Bangalore and his Company is in another country, he shall inform the jurisdictional Magistrate as and when he is travelling Abroad.

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 a copy of this order, before the learned Judicial Magistrate No.II, Coimbatore, on condition that the petitioner



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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 said Magistrate, on further condition that:

[a] if the petitioner fails 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 everyday at 10.30 a.m. for a period of two weeks.

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

[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 absconds, a fresh FIR can be registered under Section 269 of BNS.

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SUNDER MOHAN, J

MSM

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