



Crl.OP.No.3136 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3136 of 2025

1.Vijayakumar R
2.Vidyaprakash N

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Komarapalayam Police Station
Namakkal District.
(Crime No.29/2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of their arrest in Crime No.29 of 2025 on the file of the respondent
Police.

For Petitioner : Mr.C.S.Saravanan

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



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 194 of BNSS @ 108 BNS 2023, in Crime No.29 of 2025, seek anticipatory bail.

2. The case of the prosecution is that defacto complainant's husband was running a business, including a Dhaba; and that he came to know the petitioners since they visited the Dhaba and introduced him to play online rummy; that the defacto complainant's husband lost lakhs of rupees due to that and also paid sum of Rs.70 lakhs to the petitioners; that since the defacto complainant's husband had suffered huge loss and the petitioners refused to return the said amount, the defacto complainant's husband committed suicide by hanging. Hence, the case.

3. The learned counsel for the petitioners would submit that the allegations are false; that, in any case, the allegations only disclose monetary transaction between the defacto complainant's husband and the



petitioner; and that in any case custodial interrogation of the petitioner is not required. Hence, he prays for granting anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent reiterated the prosecution case and on instructions submitted that the petitioners and the defacto complainant's husband jointly earned profit of Rs.70 lakhs and the petitioners refused to give the share to the defacto complainant's husband and thus, committed suicide. Hence, he opposed for grant of anticipatory bail.

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

6. Considering the nature of allegations; that it is for the prosecution to establish the offences before the trial Court; and that since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the



petitioners on the certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate, Komarapalayam**, 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 condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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



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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 [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Komarapalayam Police Station
Namakkal District.

2.The Judicial Magistrate, Komarapalayam

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



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SUNDER MOHAN , J.

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