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CRL OP NO. 3821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3821 of 2025

Sathish Kumar

Petitioner

Vs

The State rep by

The Inspector of police

R1-Mambalam Police Station,

1, Madley Road, T.Nagar,

Chennai, Crime No. 290 of 2024.

...Respondent

For Petitioner : Mr.Abubacker S.

For Respondent : Mr.S.Santhosh
Government Advocate, Criminal Side.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(2) of BNS, 2023 in Crime No. 290 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the de-facto complainant was induced by the petitioner to invest a sum of Rs.10,00,000/- on the promise of high returns; that the petitioner, however, not repaid the said amount and that the petitioner has returned only Rs.2,00,000/-. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated; that it is a case of financial transactions between the petitioner and the de-facto complainant and in any case, custodial interrogation of the petitioner is not required.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail reiterated the prosecution case and submitted that out of Rs.10,00,000/-, the petitioner has repaid only Rs.2,00,000/- and issued cheques for the balance amount of Rs.8,00,000/-.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side and considering the nature of allegations, this Court is of the view that the custodial of the petitioner is not required in the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **XVII Metropolitan Magistrate, Saidapet, Chennai-600 015**, on condition that the petitioner shall execute a separate bond for a sum of



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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 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.

[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

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

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



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[e] 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]***.

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

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SUNDER MOHAN, J

MSM

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