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Crl.OP.No.3367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.3367 of 2025

1. Devi

2. Dilliraj ... Petitioners /Accused

Vs.

State rep by the Inspector of Police,
T – 15, Kannagi Nagar Police Station,
Tambaram City, Chennai. ... Respondent/ Complainant
Cr.No.446 of 2024

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioners in the event of arrest in Crime No.446 of 2024 on the file of the respondent police.

For petitioner : M/s.S.Ramya
For Intervenor : Mr.C.V.Kumar
For Respondent : Mr.S.Santhosh,
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 Sections 316(2) and 318(4) of BNS Act, 2024 in Crime No.446 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners, who are husband and wife, jointly approached the defacto complainant to give a loan Rs.17,00,000/- to repay certain persons on account of the debt incurred in the chit fund company they were running; and that the first petitioner received the said amount and had not repaid the said amount.

3. The learned counsel appearing for the petitioner would submit that the allegation only discloses a money dispute, which is civil in nature and in any case, custodial investigation is not required and sought for anticipatory bail.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the case of the prosecution and opposed the grant of anticipatory bail to the petitioner.

5. This court had perused the FIR. The allegation in FIR would suggest that the petitioners received a sum of Rs.17,00,000/- and failed to repay it. It discloses a breach of promise.

6. Considering the aforesaid facts; the nature of allegations, and since custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial**



Magistrate, Sholinganallur, on condition that the petitioner shall execute a separate 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 twice a week and thereafter as and when required for interrogation;

[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;



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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 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”*** reported in (2005) AIR SCW 5560; and

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

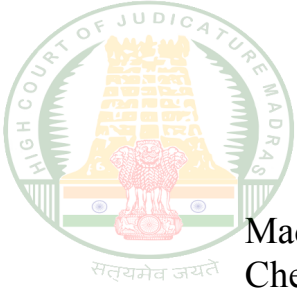
11.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police,
T – 15, Kannagi Nagar Police Station,
Tambaram City, Chennai.
2. The Public Prosecutor,

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Madras High Court,
Chennai.

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3. The Judicial Magistrate, Sholinganallur.



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SUNDER MOHAN, J.

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