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Crl.O.P.No.3666 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3666 of 2025

1. Sandeep
2. Sangeeth Krishnan
3. Ranganathan Rajamani
4. P. Nagarajan

Petitioner(s)

Vs

The State Represented by, The Inspector of
Police, E2 Peelamedu L and O Police Station,
Coimbatore.

Respondent(s)

For Petitioner(s): S Abhinaya Shree

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323, 406, 420, 506(2) and 129B of Indian Penal Code in Crime No.799 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the defacto complainant lent a sum of Rs.50,00,000/- to first and second petitioners herein/ A1 and A2 in the year 2020, based on their request for renovating the Dental clinic of the second petitioner herein; that the petitioners had not repaid the same; that therefore, the defacto complainant lodged a complaint in the year 2020 and the same was closed with instruction to the parties to settle their dispute before the Court; that thereafter, the first and second petitioners contacted the defacto complainant and requested not to prefer any complaint and promised to repay the amount; that even after lapse of four years, the petitioners have not come forward to repay the loan amount; that when the defacto complainant and his friend went to the petitioner's house and requested for repayment of money, the petitioners abused and assaulted them. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the first petitioner herein is running a concern in the name and style of M/s. Dynagro Overseas, the second petitioner herein is the wife of the first petitioner, who is a dentist and the third and fourth petitioners herein are



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the parents of the first petitioner; that the petitioners are innocent and they have been falsely implicated in this case; that the defacto complainant had filed a false case under Section 138 of Negotiable Instruments Act, 1881 against the first petitioner in C.C.No.435 of 2021 for dishonor of the cheque for a sum of Rs.10,00,000/- and also preferred another false case in Crl.M.P.No.4900/2022 on the file of the learned Judicial Magistrate II at Coimbatore; that in order to further harass the petitioners herein, the defacto complainant had lodged the present false complaint; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that there was a loan transaction between the petitioners and the defacto complainant in the year 2020, since the petitioners refused to repay the loan amount, the defacto complainant lodged a complaint; and that the investigation is pending, hence opposed for the grant of anticipatory bail to



the petitioners.

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

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioners, the fact that the financial transactions between the parties is of the year 2020, the fact that a complaint under Section 138 of Negotiable Instruments Act is pending against the petitioner and the instant complaint alleges a breach of promise, this Court is of the view that custodial interrogation of the petitioners is not required and 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Coimbatore** on condition that the petitioners



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 first petitioner shall report before the respondent police on every Monday and Thursday at 10:30 a.m., until further orders. The petitioners 2 to 4 shall report before the respondent police 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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appropriate action against the petitioners in accordance with

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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

13.02.2025

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To

1. The State Represented by,
The Inspector of Police,
E2 Peelamedu L and O Police Station,
Coimbatore.

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