



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4334 of 2025

1.Suganthi

2.Elumalai @ Annamalai

...Petitioners/Accused

Vs.

State through
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.

(Crime No.17 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.17 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.G.Ganesh Pandian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 02.01.2025, seeking bail in Crime No.17 of 2025 registered for the offence under Section 406 of IPC.

2.It is the case of the prosecution that the defacto complainant had given a loan of Rs.60,000/- to the petitioners since they represented that it was required for their son's educational expenses; that they promised to repay the said loan and thereafter they refused to repay the loan; and that the defacto complainant came to know that the accused borrowed loan from several others and cheated them to the tune of Rs.22,30,000/- and thereby they have committed the aforesaid offence. Hence, the case.

3.The learned counsel for the petitioners would submit that the allegations are false and it is a case of non-payment of loan and in any case, further custody of the petitioners is not required and hence, the petitioners may be granted bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



the prosecution case and raised objection for the grant of bail.

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

6. Considering that the allegations against the petitioners relate to non-payment of loan, period of incarceration and since further custody of the petitioners is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No. II, Ulunthurpet**, and on further conditions that:

[a] 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,



everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 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 B.N.S.

19.02.2025

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Copy to:

- 1.The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
- 2.The Judicial Magistrate No.II, Ulunthurpet.
- 3.The Superintendent of Prison,
Women Sub Jail, Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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