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Crl OP No.4374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4374 of 2025

Baskar

... Petitioner

Versus

State rep.by
The Inspector of Police,
Puzhal, Chennai.
(Cr.No.362 of 2024)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS , to enlarge the petitioner on anticipatory bail in the event of his arrest in Cr.No.362 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Intervenor : Mr.D.Shankara Narayanan
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, 1860 in Crime No.362 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner had borrowed a sum of Rs.7,00,000/- from the defacto complainant for repairing JCB Vehicle; thereafter, he did not return the said amount; that the total due is Rs.10,00,000/- ; that the petitioner had issued a cheque for the said amount, the same got dishonoured and hence, the petitioner is liable for the offence under Section 406 and 420 of IPC.

3. Learned counsel appearing for the petitioner submitted that this is a case of non-payment of loan; that the petitioner had repaid a portion of the amount and in any case the custodial interrogation of the petitioner is not required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor however submits that the petitioner had committed cheating and hence no indulgence should be shown to the petitioner and the petitioner had also dishonoured a cheque which was issued to the defacto complainant.

5. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the petitioner had not repaid the loan as promised by him.



6. Considering the nature of allegations that it is a case of non repayment of loan, this court is of the view that the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is 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 is made ready, before the ***learned District Munsif-Cum-Judicial Magistrate Court, Madhavaram*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions 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 station daily 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



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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 is 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.

24.02.2025

Vv

To

1. The District Munsif-Cum-Judicial Magistrate Court,
Madhavaram
2. The Inspector of Police,
Puzhal, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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