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Crl.O.P.No.4570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4570 of 2025

Kumaresan

... Petitioner

Vs.

The State of Tamil Nadu, Rep. by Inspector of Police
C-4, Rathinapuri Police Station
Coimbatore (Crime No.365 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to
enlarge the petitioner on bail in Crime No.365 of 2024 on the file of the
respondent.

For Petitioner : Mr.R.Narain Kalicharan

For Respondent : Mr.Leonard Arul Joseph Selvam

Learned Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who
was arrested and remanded to judicial custody on 24.01.2025, seeking bail in
Crime No.365 of 2024 registered for the offence under Section 316 (2) & 318(4)
of BNS.

2.The case of the prosecution is that A2 is running a business under the
name and style of "United Solar and Wind Power Technology and Electric
Battery Manufacturer Company" in Bangalore. The petitioner allegedly
introduced the de facto complainant to A2 for the purpose of securing a loan. In
this context, the de facto complainant entrusted A2 with a sum of Rs. 20,00,000/-,



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which was subsequently misappropriated by A2. Additionally, the de facto complainant spent Rs. 2,00,000/- as travel expenses for the accused's trip to Dubai.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in custody from 24.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate further submitted that there are no previous cases against the petitioner. He further submitted that the co-accused was granted anticipatory bail by this Court in Crl.OP.No.2974 of 2025 dated 17.02.2025.

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

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the fact that it is a commercial transaction between the de facto complainant and A2, the petitioner only introduced A2 & de facto



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complainant, and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Coimbatore , 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioner 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 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.

28.02.2025

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SUNDER MOHAN, J.
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To
1.The Judicial Magistrate II, Coimbatore

2.The Inspector of Police
C-4, Rathinapuri Police Station
Coimbatore

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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