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Crl.O.P.No.4581 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4581 of 2025

K.Rajeshwar

...Petitioner/A4

Vs.

The State Rep. by
The Inspector of Police,
K-2 Ayyanavaram Police Station,
Chennai – 600 039
(Crime No.59 of 2025)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.59 of 2025 on the file of the respondent police.

For Petitioner : Mr.Prem Kumar M

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(2) and 61(2) of BNS 2023 in Crime No.59 of 2025, on the file of the respondent police,



seeks anticipatory bail.

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2. (i) The case of the prosecution is that A1 had introduced A2 and A3, who are the husband and wife, to the defacto complainant; that A2 and A3 represented to the defacto complainant that if he invests money, they would obtain gold for a lesser price and sell it for huge profits; that believing the representation, the defacto complainant had given Rs.4 lakhs in cash and transferred Rs.6 Lakhs to the account of A3, on receipt of a cheque of Rs.15 Lakhs as security from A3.

(ii) It is the further case of the prosecution that A2 and A3 represented that the petitioner/A4 is their son-in-law and he would arrange for purchase of gold and A4 spoke to the defacto complainant over phone. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that it is a case of money transaction; that in any case, even according to the complaint, A3 had given a promissory note and also a cheque in favour of the defacto complainant; and that the petitioner is sought to be implicated



only because he is a Director in movies and if he is made an accused they can arm twist the other accused and extract money, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that A1 had introduced A2 and A3 to the defacto complainant and A3 had issued a cheque as well as the pro note.

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

6. From the above narration of facts, it would be clear that the transaction is primarily between A1 to A3 and the defacto complainant. The only allegation against the petitioner is that he spoke to the defacto complainant over phone. In such circumstances, considering the nature of the transaction and the allegation as against this petitioner, this Court is of the view that custodial interrogation is not required for the purpose of



investigation and therefore, is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 (15) days from the date on which the order copy is made ready, before the learned **V Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a 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 said Magistrate, on further condition 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;



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[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*** reported in [(2005)AIR SCW 5560];

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

21.02.2025

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SUNDER MOHAN, J.

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- 1.The Inspector of Police,
K2-Ayyanavaram Police Station,
Chennai- 600 039
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The V Metropolitan Magistrate,
Egmore, Chennai.

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