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Crl.O.P.No.4845 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 4845 of 2025

Manjula

...Petitioner/A2

Vs.

The State Rep. by
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No.12 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.12 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

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

For Intervenor : Mr.V.Balasubramani

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



police for the offences punishable under Sections 296(b), 316(2), 318(4) and 351(3) of BNS, 2023 in Crime No.12 of 2025, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with her husband/A1 approached the defacto complainant, seeking to discharge the existing loan availed by them from Indostar Home Finance Limited; that on 30.09.2019, a sum of Rs.12,50,000/-, was sanctioned by the defacto complainant for settling the loan with the said Indostar Home Finance Limited; and that the defacto complainant has transferred a sum of Rs.7,77,463/-, but the petitioner and her husband/A1 did not execute any document in favour of the defacto complainant and thus, committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that the defacto complainant had to settle the remaining amount of Rs.4,78,537/- either to Indostar Home Finance Limited or to the petitioner, however they made deductions, which were not permitted; that the case is borne out by records and custodial



interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, vehemently opposed the grant of anticipatory bail and submitted that the petitioner and her husband/A1 has cheated the defacto complainant to the tune of Rs.12 Lakhs and hence, no indulgence need be shown.

5. The learned counsel for the defacto complainant on instructions submitted that A1/husband of the petitioner was arrested and is in custody and further submitted that there is a dispute with regard to loan transaction.

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

7. Considering the fact that A1/the husband of the petitioner is



arrested and is in custody; that the case is borne out by records; and that there is a dispute with regard to the quantum of loan sanctioned by the defacto complainant, 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.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.1, Hosur**, 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;



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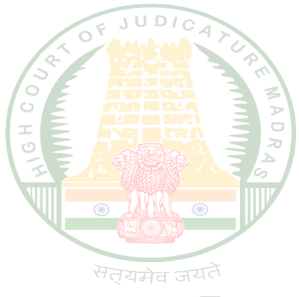
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- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial 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*** 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.

24.02.2025

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SUNDER MOHAN, J.

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To

- 1.The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
- 3.The Judicial Magistrate No.I,
Hosur.

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