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CRL OP NO.5075 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25-02-2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5075 of 2025

1.S.Johnson

2.Arivukodi

petitioners/A2&A3

Vs

State Rep By, The Inspector Of Police,
K-2, Ayyanavaram Police Station,

Chennai- 600 039.

(crime No 59 of 2025)

Respondent(s)

For petitioners(s): Mr.M.Gopi

For Respondent(s): Mr.SSanthosh, Government Advocate (Crl.Side)

ORDER

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

2. The case of the prosecution is that the petitioners on the promise of obtaining gold for lesser price, had received an amount of Rs.10,00,000/- viz., Rs.6,00,000/- by bank transaction and Rs.4,00,000/- by cash; that the



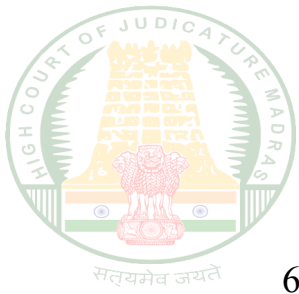
petitioners neither bought gold nor repaid the said amount. Hence, the complaint.

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3. The learned counsel for the petitioners submitted that it is a case of money transaction; that the two petitioners had issued promissory note for Rs.15,00,000/- besides a cheque for Rs.15,00,000/- to the de facto complainant; that therefore, the allegation that the petitioners had committed cheating is false and in any case custodial interrogation of the petitioner is not required for the purpose of investigation and hence, sought for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that in the instant case, the petitioners had issued a cheque in favour of the de facto complainant for the said sum and further submitted that this Court had granted bail to the fourth accused.

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



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6. Considering the nature of allegation, the fact that there is a money transaction between the parties; that the petitioners have issued a promissory note and a cheque which are allegedly dishonored; that the allegations are borne out by records and since custodial interrogation of the petitioners is not required for further investigation, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions”

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **V Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the first petitioner shall report before the respondent police twice a week on Monday and Thursday at 10:30 a.m and the second petitioner shall report before the respondent police as and when required until further orders;

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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 of BNS.

25.02.2025

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To

The Inspector Of Police,
K-2, Ayyanavaram Police Station,
Chennai- 600 039.

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