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CRL O.P. No.5562 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.5562 of 2025

1. Gajalakshmi W/o. Thangaraj
2. Selvaraj S/o. Thangaraj
3. Ashok Kumar S/o. Thangaraj Petitioners / Accused

Vs

State rep. by:-

The Inspector Of Police,
T-17 Perumbakkam Police Station,
Pallikaranai. ... Respondent
[Cr. No.389 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.389 of 2024 on the file of the respondent police.

For Petitioners : Mr.Vishnu.P.

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER



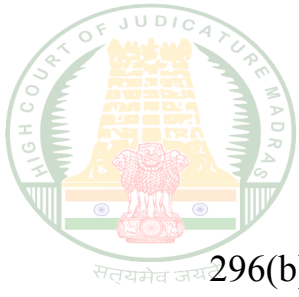
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The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406 and 420 of IPC in connection with the case in Crime No.389 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was running a chit scheme; that the defacto complainant had deposited a sum of Rs.8,14,100/-; that when the defacto complainant demanded the return of said amount, the 1st petitioner did not return the said amount and further, the 1st petitioner along with her sons/ 2nd and 3rd petitioners, had abused the defacto complainant in filthy language and threatened her with dire consequences.

3. Learned counsel for the petitioners would contend that allegations against the petitioners are false; that in fact, it is the defacto complainant, who had attacked the 1st petitioner and others on 18.10.2024 and hence a case was registered against the defacto complainant in Cr. No.369 of 2024 for the offences under Sections



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296(b), 115(2) and 351(2) of B.N.S.; that investigation is pending in that case; and that the instant complaint has been lodged against the petitioners falsely and hence prayed for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, confirmed that there is a case registered against the defacto complainant in Cr. No.369 of 2024.

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

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that there were monetary transactions between the A1 and the defacto complainant, that there is a case registered against the defacto



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complainant in Cr. No.369 of 2024 at the instance of the 1st petitioner, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 learned **Judicial Magistrate-II, Alandur** on condition that the petitioners shall each 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners 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.



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[b] the 2nd and 3rd petitioners shall appear before the respondent police weekly once at 10.30 a.m., until further orders and the 1st petitioner shall appear before the respondent police as and when required for interrogation.

[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].



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

28.02.2025

mjs

To

- 1.The Judicial Magistrate-II, Alandur
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, T-17 Perumbakkam Police Station, Pallikaranai.

SUNDER MOHAN. J.,

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