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CrI.O.P.No.5652 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5652 of 2025

Aravind Thanigai Velan ... Petitioner/A3
Vs.

State, Rep. by Inspector of Police
T-16, Semmancherry Police Station,
Pallikaranai.
(Crime No.64 of 2025) ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.64 of 2025, on the file of the respondent Police.

For Petitioner : Mr.K.P.Sathish Kumar

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

ORDER

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296, 118[1], 318[2], 351[3] of BNS Act (Sections 294, 324, 417 and 506 of IPC) in Crime No.64 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running a car

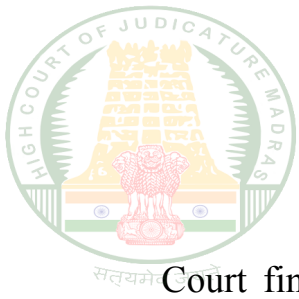


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service centre and the defacto complainant has sent his car for service; that the defacto complainant had paid a sum of Rs.3,50,000/- towards service; that the petitioner had not rectified the defects in the car, as a result of which, the defacto complainant's car had stopped in the middle of the road and he is put to irreparable loss and hardship.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that the defacto complainant had given a complaint before the District Consumer Disputes Redressal Forum, Chengalpattu in C.C No.269 of 2024; that in the said complaint he had stated that he had paid a service charge of Rs.35,000/- and the other allegations in the FIR are therefore false; that the petitioner has also filed his written version before the Consumer Disputes Redressal Forum and the said proceedings are still pending; and that considering the nature of allegations, custodial interrogation of the petitioner is not required for the purpose of investigation and hence prayed for grant of anticipatory bail to the petitioner.

4. Heard the learned Government Advocate (Cr1.Side) appearing for the respondent, who reiterated the prosecution case and perused the FIR.



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5. On perusal of the FIR and the submissions made on either side, this Court finds that there is a dispute between the petitioner who had allegedly offered services to the defacto complainant in repairing his car. There is a proceeding pending before the District Consumer Disputes Redressal Forum, Chengalpattu, with regard to the same issue.

6. Considering the nature of the allegations and the aforesaid facts, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation and hence, inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before **the learned District Munsif Cum Judicial Magistrate, Sholinganallur**, on condition that the petitioner shall execute a separate 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 condition that:



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[a]the petitioner 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.

[b] the petitioner shall report before the respondent police, as and when required for the interrogation.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner 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 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.

03.03.2025

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SUNDER MOHAN, J.

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To
1.The District Munsif cum Judicial Magistrate,
Sholinganallur.

2.The Inspector of Police
T-16, Semmancherry Police Station,
Pallikaranai.

3.The Public Prosecutor,
High Court of Madras.

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