



WEB COPY



Crl.OP.No.6358 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.6358 of 2025

1. W.G.Sekar @ Gunasekaran
2. K.Shanmugam

... Petitioners/Accused - A1 & A5

Vs

The State Rep. by
The Inspector of Police,
C-5 Kothavalchavadi Police Station,
(Crime No.21 of 2025)

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioners/accused on bail in the event of their arrest by the respondent police pending investigation in Crime No.21 of 2025.

For Petitioners : Mr.Suriyamuthu N

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

ORDER



WEB COPY

The petitioners/accused 1 and 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 & 506(1) of the IPC, in Crime No.21 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A1 and A5 and other accused had, on the promise of investing in the R.P. (Rice Pulling) Iridium business, asked the *de-facto* complainant to invest a sum of Rs.65,00,000/- (Rupees Sixty Five Lakhs) which was given by the *de-facto* complainant on various dates in the year 2018; and that the petitioners did not repay the money. Hence, the case.

3. The learned counsel for the petitioners/A1 and A5 would submit that the allegations are false; and that in any case, there is no evidence to show that the petitioners have received money from the *de-facto* complainant and the alleged occurrence is said to have taken place in the year 2018, and considering the nature of the allegations, the custodial interrogation of the petitioners is not required and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) for the respondent



reiterated the prosecution case and confirmed the fact that the alleged transactions took place in the year 2018; and that according to the *de-facto* complainant, the first petitioner/A1 has received Rs.25,00,000/- (Rupees Twenty-Five Lakhs only) from the *de-facto* complainant by cash and no money was paid to the second petitioner/A5.

5. Considering the nature of the offences, the dispute with regard to non-repayment of money, and the alleged transactions that took place in the year 2018, this Court is of the view that the custodial interrogation of the petitioners is not required for the purpose of the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 **Metropolitan Magistrate No.VIII, George Town**, on condition that each 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 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.



WEB COPY



CrI.OP.No.6358 of 2025

18.03.2025

Index : Yes / No
Internet : Yes / No

dk

To

- 1.The Metropolitan Magistrate No.VIII,
George Town.
- 2.The Inspector of Police,
C-5 Kothavalchavadi Police Station.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

dk



WEB COPY



Crl.OP.No.6358 of 2025

Crl.O.P.No.6358 of 2025

18.03.2025