



Crl.OP.No.6352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6352 of 2025

1.Vadivelu

2.Sheela

.. Petitioners/Accused 1 & 2

Vs.

The State rep by
The Inspector of Police,
Fairlands Police Station,
Salem District.
Crime No.81 of 2025

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.81 of 2025 on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

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



ORDER

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The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.81 of 2025, seek anticipatory bail.

2. The case of the prosecution that the 1st Petitioner is the sister's son of the defacto complainant; that the daughter of the defacto complainant who is now working in Australia had handed over 55 sovereign of gold jewels to the petitioners; that when the defacto complainant asked for return of the said jewels, the petitioners threatened her of dire consequences and thus cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the allegations are false; that the petitioners and the defacto complainant are closely related to each other; that there were disputes within the family, the instant complaint has been lodged falsely against the petitioners, the alleged transaction took place in the year 2020 and hence, custodial interrogation of the petitioners is not required and sought for grant of anticipatory bail to the petitioners.



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4. The learned counsel for the defacto complainant would vehemently oppose the grant of anticipatory bail to the petitioners stating that the defacto complainant is an old lady and she has been cheated by the petitioners, gold jewels worth several lakhs and hence, custodial interrogation of the petitioners is required for the purpose of investigation.

5. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the alleged offence took place in the year 2020.

6. Admittedly, the petitioners and the defacto complainant are closely related to each other. The alleged offence is said to have taken place in the year 2020. The complaint was filed very recently. Hence, in such circumstances, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners on certain conditions.



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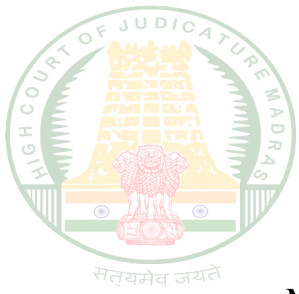
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.5, Salem**, on condition that the petitioners shall execute 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:

[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 first petitioner shall appear before the respondent police once in a week i.e., every Monday at 10.30 a.m., until further orders and the second petitioner shall appear before the respondent police as and when required;

[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.



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[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 B.N.S.

13.03.2025

Index : Yes / No

rkp

To

1.The Inspector of Police,
Fairlands Police Station,
Salem District.

2.The Judicial Magistrate No.5, Salem.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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