



Crl.OP.No.6562 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6562 of 2025

1.Lalbahadur
2.Mohaneshwari

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.03/2025)

.. 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.03 of 2025 on the file of the respondent
Police.

For Petitioner : M/s.Vishnu P

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 316(2) & 318(2) of BNS in



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Crime No.03 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners, on the promise of making defacto complainant a lead actor in movies, received a sum of Rs.20,30,000/- between the period from 23.10.2021 to 22.11.2024; that the 1st petitioner and his wife, 2nd petitioner, neither returned the money nor made the defacto complainant a lead actor; that the 1st petitioner had issued 4 cheques for a total sum of Rs.25,00,000/- and that the same was dishonoured and hence, the 1st petitioner committed the aforesaid offence.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; that the alleged transactions took place in 2021 and 2024 and it is the case of non-payment of the amount received; that the petitioners had issued a cheque, for which the defacto complainant had filed a complaint under Section 138 of Negotiable Instruments Act, and that in any case custodial interrogation is not required and prayed for anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirms the fact that the petitioners had received a sum of Rs.20,30,000/- during 2021 and 2024 and had issued 4 cheques for a total sum of Rs.25,00,000/- which was dishonoured.

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

6. Considering the aforesaid facts, it is the case of money dispute, the fact that the defacto complainant had initiated the proceedings under Section 138 of Negotiable Instruments Act against the petitioners for dishonoured cheques, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain



conditions.

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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 **XVII Metropolitan Magistrate, Saidapet**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 1st petitioner shall report before the respondent police twice a week at 10.30 a.m., and the 2nd petitioner shall report 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



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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 BNS.

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

2.The XVII Metropolitan Magistrate, Saidapet.

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



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SUNDER MOHAN, J.

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