



Crl.O.P.No.6916 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No. 6916 of 2025
and Crl.M.P.No. 4902 of 2025

Maruthupandi

... Petitioner/ Accused No.1

Vs.

The Inspector of Police,
District Crime Branch,
Namakkal District.
(Crime No.15 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.15 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. R. Vivekanantham
(For Mr. T. Arul)

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

For Intervenor : Mr. S. Sheik Ismail



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ORDER

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Petition seeking bail in respect of Crime No.15 of 2024 registered for the alleged offences punishable under Section 420 of IPC, is on board for consideration.

2. The case of the prosecution is that the petitioner/ A1 borrowed a sum of Rs.25,00,000/- on 22.01.2020 stating that he need to get British citizenship, subsequently, borrowed Rs.2,00,000/- on 06.02.2020 stating th he needed money for construction of his house; that further during the period of Covid-19, he continously started borrowing money from the defacto complainant on various dates i.e., from 27.10.2020 to 30.12.2020 to the tune of Rs.15,00,000/-; that thereafter, the petitioner along with A2 had cheated the defacto complainant by borrowing money to the tune of Rs.15 crores on various dates by citing various reasons. Hence, this case.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and the petitioner earlier sought for anticipatory bail before this Court in CrI.O.P.No.24838 of 2024 and the same was granted by this Court, vide order dated 30.10.2024 by imposing a condition, that the



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petitioner has to deposit a sum of Rs.1 crore to the credit of Crime No.15 of 2024; that since the petitioner was unable to make the said deposit, the anticipatory bail granted to the petitioner got lapsed; that thereafter, on 25.01.2025, the petitioner was arrested and remanded to judicial custody; that the co-accused/ A2 was granted bail by the learned Principal Sessions Judge, Namakkal vide order dated 06.11.2024 in Crl.M.P.No.1222 of 2024 on a condition to deposit a sum of Rs.1 crore in Crime No.15 of 202; that this Court vide order dated 21.11.2024 in Crl.O.P.No.28859 of 2024 set aside the said condition of deposit. The learned counsel further submitted that the petitioner is in custody from 25.01.2025 for almost 60 days and therefore further custody of the petitioner is not required for the purpose of investigation and prayed for grant of bail to the petitioner.

4. The learned counsel for the defacto complainant had cheated the defacto complainant to the tune of Rs.15 crores. He also produced the statement of accounts to substantiate his claim that the defacto complainant paid a sum of Rs.15 crores. He further revealed that the petitioner is a habitual offender and cheated several other victims and two other cases are pending against the petitioner.



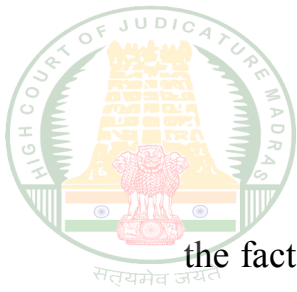
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5. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner has two previous cases, one for the offences under Sections 417, 468, 471 and 420 of IPC in Cr.No.09 of 2025 on the file of the District Crime Branch, Theni, in which the petitioner was arrested and still in custody and the other case is pending enquiry in CSR No.73 of 2025 on the file of the Inspector of Police, Velacherry Police Station; and that the investigation is pending.

6. This Court had perused the FIR and carefully considered the rival submissions. Even, if the allegation in the FIR is accepted to be true, it is seen that the defacto complainant had lent a sum of Rs.15 crores to the petitioner from the year 2020 on various dates. Admittedly, the defacto complainant had not filed any Civil Suit for recovery of money from the petitioner. In any case, the allegation against the petitioner are borne out by records. It is also seen that the petitioner has been arrested in the other case registered against him.

7. Taking into consideration the facts and circumstances of the case,



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the fact that the allegations are borne out by records, the submissions made by the learned counsels on either side, the fact that the co-accused/ A2 in this case was already granted bail, the period of incarceration undergone by the petitioner and since further custody of the petitioner is not required for the purpose of investigation in this case, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which one surety shall be a Government Servant)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Namakkal** and on further conditions that:

[a] 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 everyday at 10:30 a.m., until further orders;



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[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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.

9. Accordingly, this criminal original petition and the connected criminal miscellaneous petition are ordered.

18.03.2025

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To

1. The Judicial Magistrate No.1,
Namakkal.
2. The Inspector of Police,
District Crime Branch,
Namakkal District.
3. The Superintendent,
Sub Jail Namakkal, Namakkal District.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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