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Crl.OP.No.7098 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7098 of 2025

Baskar

... Petitioner(s) /Accused

Vs.

State rep. by
The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai District.
Crime No.249 of 2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.249 of 2024, pending investigation on the file of the respondent police.

For petitioner(s) : Mr.Dinesh Kumar

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



CrI.OP.No.7098 of 2025

WEB COPY

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, on the file of the respondent police, in Crime No.249 of 2024, seeks anticipatory bail.

2. It is the case of the prosecution that the first accused/ wife of the petitioner, received a loan of Rs.26,00,000 from the defacto complainant in the year 2018; that she also handed over the original RC book of her car as a security; that thereafter, the petitioner took away the car; that despite repeated demands and requests since 2019, the first accused failed to repay the loan.

3. The learned counsel for the petitioner would submit that the transactions took place in the years 2018 and 2019, whereas the complaint was registered only in the year 2024; that the first accused was arrested and subsequently released on bail; that the case pertains to non-repayment of a



loan; and that custodial interrogation of the petitioner is not required.

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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 petitioner, reiterated the prosecution case and, on instructions, submitted that the transactions took place in the years 2018 and 2019.

5. Considering the aforesaid facts, the nature of allegations; the fact that the first accused has already been arrested and released on bail; and since custodial interrogation is not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 **XVI Metropolitan Magistrate Court, George Town, Chennai**, 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:

[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 investigation;

[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,



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CrI.OP.No.7098 of 2025

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”*** reported in **(2005) AIR SCW 5560**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

20.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai District.



CrI.OP.No.7098 of 2025

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

3. XVI Metropolitan Magistrate Court, George Town, Chennai.

SUNDER MOHAN, J.

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CrI.OP.No.7098 of 2025



WEB COPY



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