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Crl.O.P.No.7526 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7526 of 2025

1. Chandrasekar.R
2. Shanmuga Vadivu. C

... Petitioners/Accused

Vs.

State rep by
The Inspector of Police,
Erode North Police Station
Erode District.
(Crime No.62 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on bail in Crime No.62 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)
Mr.G.Ajay Raj
for Defacto complainant



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 506(i) IPC in Crime No.62 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant had business transaction for more than 15 years and that the petitioners purchased steel materials from the defacto complainant to the tune of Rs.31,46,740/- and issued five cheques and the same was dishonoured. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant had continuous business transaction for more than 15 years. He further submitted that the allegations are false; and that in any case, custodial interrogation are not required and sought for anticipatory bail to the petitioners.



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4. The learned counsel appearing for the defacto complainant submitted that the petitioners have cheated other suppliers also in a similar manner and hence vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a case of non payment of money after purchase of goods by the petitioners and that the cheques given by the petitioners were dishonoured and that there is one previous case against each petitioner under Section 420 of IPC.

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

7. Admittedly the petitioners and the defacto complainant had business relationship for more than 15 years prior to lodging of complaint. They had continuous business transaction and the allegation is that the



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payment of Rs.31,46,740/- was not made by the petitioners. The petitioners issued cheques towards that liability and the same were dishonoured. Considering the nature of dispute between the parties which relates to non payment of money for goods supplied, this court is of the view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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.I, Erode**, on condition that the petitioner shall execute a 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



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copy of their Aadhar card or Bank pass Book to ensure their identity.

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[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 absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
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Copy to:

1. The Inspector of Police,
Erode North Police Station
Erode District.
2. The Judicial Magistrate No. I,
Erode.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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