



Crl.OP.No.7434 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7434 of 2025

Viswalingam

.. Petitioner/A2

Vs.

The State rep by
The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.
(Crime No.290 of 2024)

... Respondent/complainant

P.Saravanan

... Intervenor/defacto complainant

[The defacto complainant permitted to intervene, as per the order of this Court [SMJ] made in Crl.MP.No.5461 of 2025 dated 19.03.2025]

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.290 of 2024 on the file of the respondent Police.

For Petitioner : Mrs.Pavithra Priyadarshini

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

For Intervenor : Mr.A.Arasu Sanga Tamil



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ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.290 of 2024, seeks anticipatory bail.

2. It is the case of the prosecution that the first accused represented the defacto complainant that he would provide high returns on investment and induced him to deposit Rs.22 Lakhs into his account; that thereafter, the first accused had not returned the said amount and has been delaying the repayment; that the petitioner is a partner working with the first accused and he is also involved in the said transaction; that the defacto complainant had earlier given a complaint in which the first accused promised to return the money and had not returned the money. Hence, the case.

3. The learned counsel for the petitioner would submit that the transaction between the first accused and the defacto complainant has nothing to do with the Firm in which the first accused and the petitioner are



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the partners; that the allegations pertain to the non-repayment of the money invested and that the first accused has already repaid Rs.12 Lakhs out of the amount received and has issued two cheques for the balance amount in favour of the defacto complainant; and that in any case custodial interrogation of the petitioner is not required for the purpose of investigation, and prayed for anticipatory bail.

4. The learned counsel for defacto complainant however, submitted that the said sum of Rs.12 Lakhs is towards profit and is not towards the principal amount; that the cheques issued by the first accused have been dishonoured; and hence, the offence of cheating has been made out and opposed to the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the alleged transactions took place in the year 2021 and relates to the non-payment of the money invested by the defacto complainant.

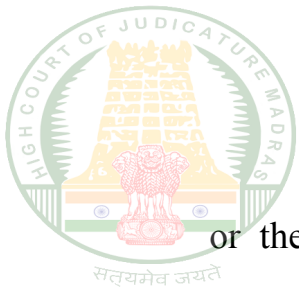


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6. Admittedly the transactions took place between the defacto complainant and the first accused. The first accused admitting his liability has paid Rs.12 Lakhs to the defacto complainant and issued cheques. In any case, the transaction relates to non-repayment of the money invested, which took place in the year 2021.

7. Considering the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. 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 is made ready, before the **learned Judicial Magistrate No.II, Coimbatore**, 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 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, once in a week i.e., on every Monday at 10.30 a.m., until further orders.

[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, 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.



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SUNDER MOHAN , J.

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To

1.The Inspector of Police,
Rathinapuri Police Station,
Coimbatore District.

2.The Judicial Magistrate No.II, Coimbatore.

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

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