



Crl.OP.No.7949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7949 of 2025

Pavan Srish Dey

.. Petitioner/A3

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi, Chennai – 600 054.
(Crime No.120 of 2024) ... Respondent/Complainant

H.Nirosha ... Intervenor / Defacto complainant
*[Defacto complainant permitted to intervene vide orders of this Court [SMJ] made in
Crl.MP.No.5884 of 2025 dated 24.03.2025]*

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.120 of 2024 on the file of the respondent Police.

For Petitioner : Mr.K.Bommuraj

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

For Intervenor : Mr.J.S.Arunkumar



ORDER

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The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.120 of 2024, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/A3 was introduced by the first accused to the defacto complainant; that on the promise of obtaining a job in Food Corporation of India, has received a total sum of Rs.33,50,400/- in the petitioner's account and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the allegations that he received money promising to secure a job is false; that the petitioner and the defacto complainant had money transactions; that the total amount deposited by the defacto complainant is Rs.26 Lakhs on various dates ranging from Rs.2,000/- to Rs.1 lakh in about 42 transactions, which would show that it is not a case of job racketing; that it is a case of business transactions and the allegations are borne out by records; and that in any case, custodial interrogation of the petitioner is not required for the purpose of investigation, and prayed for anticipatory bail.



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4. The learned counsel for the defacto complainant however, vehemently opposed the grant of anticipatory bail stating that the petitioner has cheated the defacto complainant to the tune of Rs.26,30,400/- on the promise of getting a job in the Food Corporation of India.

5. The learned Government Advocate (Crl.Side) while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed that the transactions were made on various dates in small amounts such as Rs.1,000/-, Rs.2,000/-, Rs.3,000/-, Rs.6,000/- and upto Rs.1,00,000/- and totally a sum of Rs.33 lakhs was deposited

6. The nature of transactions reveals that it is not a case of lumpsum payment and also suggests that the prosecution case that it was sent because of the promise of getting job, is improbable. It appears to be a case of financial transactions and non repayment. The allegations are borne out by records. Hence, 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.



WEB COPY 7. 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.1, Poonamallee**, 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, as and when required for the purpose of interrogation.

[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



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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.

24.03.2025

Index : Yes / No
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To

1.The Inspector of Police,
Central Crime Branch,
Avadi Police Commissionerate,
Avadi, Chennai – 600 054.

2.The Judicial Magistrate No.I,
Poonamallee.

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



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SUNDER MOHAN, J.

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24.03.2025