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CRL O.P. No.8539 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.8539 of 2025

1. Sumi

2. Premnath

... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
CCB, EDF-II,
Tambaram City Police,
Chennai.

... Respondent

[Cr. No.7 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in

Cr. No.7 of 2025 on the file of the respondent police.

For Petitioners : Mr. Manikandan.S.

For Respondent : Mr. S. Santhosh,
Government Advocate (Criminal
side)

ORDER



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The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(4) and 61(2) of B.N.S. in connection with the case in Cr. No.7 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and other victims were induced by A1 and A2 to invest in their company promising high returns; that the defacto complainant and others had invested a sum of more than Rs.50 crores; and that at the instance of the 1st accused, the petitioner had acted as an agent and assisted the victims to obtain loan from banks and for that purpose, he received commission from A1 and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would contend that even according to the prosecution case, A1 and A2 induced the defacto complainant to invest in their company and cheated the defacto complainant; that the 1st petitioner (A3) had only assisted the victims to obtain loan; that she had no role in the alleged offences said to have been



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committed by the other accused; and that in any case, the allegations against her, are borne out by records and custodial interrogation is not required and hence prayed for anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor / defacto complainant vehemently opposed the grant of anticipatory bail and submitted that the petitioners were also involved in the conspiracy with the other accused and had received huge money as commission from the account of the 1st accused and thus, they have committed aforesaid offences.

5. The learned Government Advocate (Criminal side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the 1st petitioner had received a sum of Rs.13,23,500/- as commission from the account of the 1st accused for arranging loan to the victims, who had invested money in the company of A1; and that the 2nd petitioner had received a sum of Rs.2,37,000/- from the account of A1.



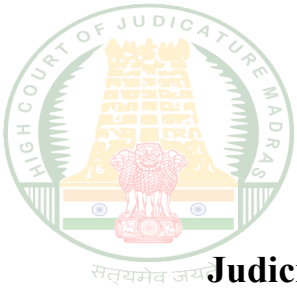
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6. This Court carefully considered the rival submissions.

Admittedly, the accused 1 and 2 have been secured. It is also the case of the prosecution that the accused 1 and 2 have induced the defacto complainant to invest money in their company. According to the prosecution, the petitioners (A3 and A4) had arranged loans for the victims to invest in the said company and had received commission from the A1 for the said purpose. It is only on the consent of the defacto complainant, the 1st petitioner had arranged for the loan. In any case, the allegations against the petitioner are borne out by records. Hence, this Court is of the view that the custodial interrogation of the petitioners is not required for the purpose of investigation. Considering the aforesaid facts and nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 of receipt of a copy of this order, before the learned



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Judicial Magistrate No.I, Tambaram on condition that the petitioners shall each 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 conditions 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 copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] **the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders;**

[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



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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]; and

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

08.04.2025

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mjs

To

- 1.The Judicial Magistrate No.I, Tambaram.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, CCB, EDF-II, Tambaram City Police,Chennai.

SUNDER MOHAN. J.,

mjs



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