



Crl.OP.No.8063 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8063 of 2025

Mohamed Hussain

.. Petitioner/A3

Vs.

The State rep by
The Inspector of Police,
DCB Police Station,
Thiruvarur District.
(Crime No.5 of 2024)

.. Respondent

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

For Petitioner : Mr.A.Ansar

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

ORDER

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 417, 420 and 120(B) of IPC in Crime No.5 of 2024, seeks anticipatory bail.



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2. It is the case of the prosecution that the defacto complainant one Ranjith Kumar met the first accused through his close friend and on his recommendation, he had handed over a sum of Rs.30 lakhs for the business development to the first accused, who did not repay the amount and cheated the defacto complainant; and that the petitioner/A3 is related to A2 who is the uncle of the first accused and they both A2 and A3 were aware of the transactions. Hence, this case.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the commission of offence by the first accused; that the allegation relates to non-repayment of loan borrowed by the first accused; that the first accused was arrested and released on bail; that the second accused was granted anticipatory bail by this Court on 18.11.2024 vide order in Crl.OP.No.28042 of 2024; that since he is closely related to the first accused, he is implicated in this case; 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 Government Advocate (Crl.Side) while opposing the



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grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed the fact that the first accused was arrested and released on bail and that this Court had granted anticipatory bail to the co-accused/A2.

5. Admittedly, the loan transaction is between the defacto complainant and the first accused and this petitioner is neither a borrower nor a guarantor and since he is closely related to the first accused, he has been implicated in this case.

6. Therefore, considering the aforesaid facts, nature of the allegations against this petitioner and the fact that similarly placed co-accused was granted anticipatory bail, 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.

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**



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Magistrate, Thiruvaur, 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:

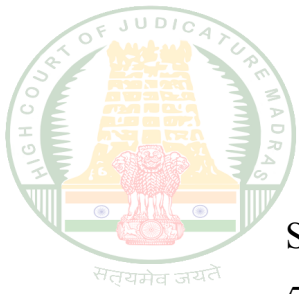
[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, on every Saturday 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



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Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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Index : Yes / No
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To

1.The Inspector of Police,
DCB Police Station,
Thiruvarur District.

2.The Judicial Magistrate, Thiruvarur.

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



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SUNDER MOHAN, J.

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