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CrI.O.P.No.8642 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.8642 of 2025

1. Sundaram @ Sundar
2. Issac @ Isacc
3. Francis

... Petitioners/Accused No. 4 to 6

Vs.

State rep by
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai District.
(Crime No.50 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest in Crime No.50 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.Narayana Prasadh

For Respondent : Mr.S.Balaji
Government Advocate (CrI. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318 (2) of BNS 2023 (under Section 406 and 417 of IPC) in Crime No.50 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as a Manager in Lokeshwar Garments, Tiruppur and his nature of work is to distribute the textiles to Chennai and other major towns. It is alleged that the accused sought for one month credit and transacted up to Rs.23,00,000/- and thereafter paid only Rs.9,00,000/- and when the defacto complainant demanded his balance payment of Rs.14,00,000/- the accused instead of paying the amount again demanded goods worth Rs.15,00,000/- on credit and that the accused did not repay the balance amount of Rs.14,00,000/- and issued two cheques which were dishonoured. Hence the case.



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3. The learned counsel appearing for the petitioner submitted that this is a money dispute between the supplier and the purchaser; that the first petitioner had issued a legal notice dated 16.12.2024 demanding the defacto complainant to take back the substandard goods and to give no dues certificate; that the allegations against the petitioners are false; that A1 to A3 were already granted anticipatory bail on 14.03.2025 in Crl.O.P. No.7514 of 2025; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that it is a case of money dispute between the supplier and the purchaser.

5. Considering the fact that the allegation suggests breach of promise in a commercial transaction between the supplier and the purchaser, the fact that the some of the co-accused were already granted anticipatory bail by this Court, and since custodial interrogation of the petitioners is not



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required, this Court is inclined to grant anticipatory bail to the petitioners.

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6. 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 XVII-Metropolitan Magistrate, Saidapet, Chennai-15*** on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 as and when required;



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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 are 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 B.N.S.

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SUNDER MOHAN, J.

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Copy to:

1. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai District.
2. The XVII-Metropolitan Magistrate,
Saidapet, Chennai – 15.
3. The Public Prosecutor,
High Court, Madras.

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