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CRL O.P. No.9713 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.9713 of 2025

V. Thamizhselvan S/o. Veeraiyan ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Muthialpet Police Station,
Puducherry. ... Respondent
[Cr. No.52 of 2025]

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

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

Cr. No.52 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.L. Ganthimathi,
Senior Counsel for
Ms. S. Meenakshi

For Respondent : Mr. M.V. Ramachandramurthy,
Additional Public Prosecutor [Puducherry]
Assisted by
Ms. M. Thamilmani, Advocate.

ORDER



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The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(ii) read with 34 of IPC in connection with the case in Cr. No.52 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has given a loan of Rs.40 lakhs to the petitioner and his son Sundara Muthu Selvam in the year 2018; that in spite of repeated demands and requests, the accused have not repaid the said amount and thus, committed the aforesaid offences.

3. The learned Senior counsel for the petitioner would contend that the allegations in the FIR only reveal the default in repayment of the loan; and that in any case, custodial interrogation is not required and hence prayed for anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor / defacto complainant vehemently opposed the grant of anticipatory bail and submitted that the petitioner had cheated the defacto complainant to the tune of Rs.40 lakhs.



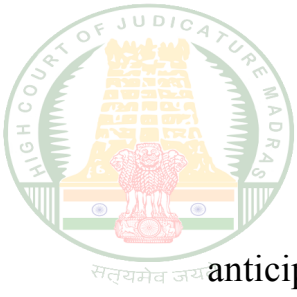
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5. Heard the learned Additional Public Prosecutor [Puducherry] appearing for the respondent police, who has reiterated the prosecution case, while opposing the grant of anticipatory bail to the petitioner.

6. Admittedly, the defacto complainant had lent a sum of Rs.40 lakhs to the 1st accused. The transactions took place in the year 2018. The defacto complainant has not chosen to approach the civil Court for the recovery of money so far. Considering the aforesaid facts, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Puducherry** 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



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anticipatory bail shall stand dismissed and on further conditions that:

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[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 twice a week i.e., on Monday and Thursday 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]; and



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[f] If the accused thereafter abscond, a fresh FIR can be registered

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under Section 269 B.N.S.

04.04.2025

mjs

To

- 1.The Judicial Magistrate, Puducherry.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Muthialpet Police Station, Puducherry.

SUNDER MOHAN. J.,

mjs

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