



Crl O.P.No.9464 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9464 of 2025

1. N Chinnadurai
2. Mani
3. Senthil Kumar

petitioners/ A1to A3

Vs

The State Rep by,
The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.218 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on
anticipatory bail in the event of arrest in Crime No. 218 of 2025 pending
on the file of the respondent police.

For petitioners : M/s. Raja Kumar
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 120B, 420,
468, 379 and 506(1) of the IPC, in Crime No.218 of 2025, on the file of
the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners have taken away the cheque leaves of the de facto complainant and handed over the same to a third party, who in turn filed an application under Section 138 of the Negotiable Instruments Act, 1881, and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioners however, submitted that the alleged occurrence took place in the year 2023, that a complaint was filed under Section 138 of the Negotiable Instruments Act, 1881; that thereafter, the de facto complainant has come up with the present complaint only to take a false defence in the case under Section 138 of the Negotiable Instruments Act, 1881, and in any case, custodial interrogation of the petitioners is not required and sought anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case.



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5. Considering the aforesaid facts and circumstances, the nature of the allegations, the case is borne out by records and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

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 of receipt of a copy of this order, before the **learned Judicial Magistrate No.II, Attur** on condition that the petitioners 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.



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[b] the petitioners shall report before the respondent police everyday 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 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].

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

01.04.2025

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To,

1. The Inspector of Police,
Thammampatty Police Station,
Salem District.
2. The Judicial Magistrate No.II, Attur
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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