



CRL O.P. No.9336 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1.V. Mohan S/o. Venkatachalam
2. M. Balachanthar S/o. V. Mohan ... Petitioners / Accused

Vs

State rep. by:-

The Inspector Of Police,
Erode North Police Station,
Erode. ... Respondent
[Cr. No.352 of 2024]

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 Crime No.352 of 2024 on the file of the respondent police.

For Petitioner : Mr.Titus Enock

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

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ORDER

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The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 351(2) of B.N.S. and Section 420 of Indian Penal Code in connection with the case in Crime No.352 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had supplied onion to the petitioner for the value of Rs.45,65,113/-; that he paid only Rs.32,28,133/- and refused to pay the balance amount of Rs.13,26,133/-; that when the defacto complainant demanded the said amount from the petitioners, they abused the defacto complainant in filthy language and threatened him of dire consequences and thus, committed aforesaid offences.

3. The learned counsel for the petitioners would contend that the alleged allegations are civil in nature; that the allegations are borne out by records; and that in any case, considering the nature of allegations, custodial interrogation of the petitioners are not required and hence



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prayed that they may be granted anticipatory bail.

4. 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 on instructions, submitted that the investigation is pending.

5. Considering the aforesaid facts and the fact that the allegations relate to the non-payment of portion of the consideration for the vegetables supplied by the defacto complainant, this Court is of the view that the custodial interrogation of the petitioners is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners on certain 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**



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Judicial Magistrate-I, Erode on condition that the petitioner shall each 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 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 appear before the respondent police as and when required for interrogation.

[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.

02.04.2025

mjs

To

- 1.The Judicial Magistrate-I, Erode.
- 2.The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Erode North Police Station, Erode.

SUNDER MOHAN. J.,

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