

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9446 of 2025

Vimal Chander

Petitioner

Vs

State Rep By,
The Inspector Of Police
AWPS Katpadi Police Sttion,
Vellore District.
(Cr.No 15 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No. 15 of 2025 pending
on the file of the respondent police.

For petitioner : M/s.A.Nirmal Kumar
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 316(2),
351(3) r/w Section 85 of the BNS Act in Crime No. 15 of 2025, on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the de facto complainant are husband and wife, respectively, that when they were in cordial terms, the petitioner induced the de facto complainant to obtain a loan to a sum of Rs.10,00,000/- on the promise that he would repay the same to her; thereafter, the petitioner defaulted in payment of the monthly installment; that the de facto complainant later came to know that the petitioner had an illicit relationship with another girl, and that he eloped with her and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent; that he has been falsely implicated in this case; that the petitioner has no bad antecedents and sought for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed the fact that the de facto complainant had received a loan and the same was not repaid by the petitioner.

5. At this juncture, the learned counsel for the petitioner voluntarily submitted that, without prejudice to his defense and contention, he is ready and willing to pay a sum of Rs.5,00,000/- to the de facto complainant within a period of six weeks from the date of receipt of a copy of this order. He further submitted that the petitioner would file an affidavit before the trial Court undertaking to pay the said sum to the de facto complainant.

6. Considering the aforesaid submissions and the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioner with the following 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 made ready, before the **learned Judicial Magistrate No.I, Vellore** on condition that the petitioner shall execute a separate 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 shall pay a sum of Rs.5,00,000/- to the de facto complainant within a period of six weeks from the date of receipt of a copy of this order, as undertaken by him and shall file an affidavit to that effect at the time of execution of the bond.

[b] 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.

[c] the petitioner shall report before the respondent police every day at 10:30 a.m., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

28.03.2025

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SUNDER MOHAN, J.

vca

To:

1. The Inspector Of Police
AWPS Katpadi Police Sttion,
Vellore District.
2. The Judicial Magistrate No.I,
Vellore.
3. The Public Prosecutor,
High Court Madras.

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