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Crl.O.P.No.9439 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-04-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.9439 of 2025

1. E. Sasikala
W/o. C. Elumalai
2. R. Deepa
W/o. V.Ragu
3. G. Devi
W/o. Geethapriyan
4. V. Ragu
S/o. Venu

....Petitioners/Accused

Vs

The State represented by
The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai 600 066.
(Crime No.926 of 2024)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory



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bail in the event of their arrest in **Crime No.926 of 2024**, on the file of the respondent police.

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For Petitioners : Mr. Rajan, R.

For Respondent : Mr. S. Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(4) of BNS, 2023 (406 & 420 of IPC), in Crime No.926 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had received a sum of Rs.25,00,000/- from the *de facto* complainant as loan stating that they would give high returns; that out of Rs.25,00,000/-, Rs.3,80,000/- was paid through bank transfer and the balance was paid by cash by the *de facto* complainant ; and that in spite of several reminders, the petitioners did not repay the said amount and thus committed the aforesaid offences.



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3. The learned counsel appearing for the petitioner would submit that the petitioners had received Rs.5,00,000/- from the *de facto* complainant and repaid a sum of Rs.3,50,000/- and that to show their bonafides the petitioners would deposit a sum of Rs.1,50,000/- to the credit of Crime No.926 of 2024 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 submitted that the alleged loan transaction took place in the year 2022; that according to the *de facto* complainant a sum of Rs.21,20,000/- was paid by way of cash and the remaining amount was paid by bank transfer and that the investigation is pending.

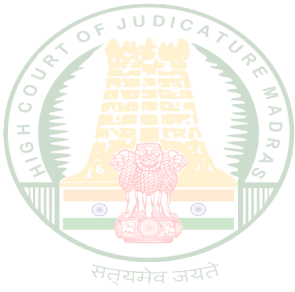
5. Admittedly the *de facto* complainant has not produced any proof of payment of Rs.21,20,000/- by way of cash as of now. It is also admitted during enquiry that the petitioners had returned Rs.3,50,000/- to the *de facto complainant*. In the facts and circumstances of this case, this Court is of the view that custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the



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petitioners with certain conditions. Further, taking into consideration the voluntary submission made by the petitioners offering to deposit a sum of Rs.1,50,000/- to the credit of crime number, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the credit of Crime No.926 of 2024.

6. Accordingly, the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the credit of Crime No.926 of 2024 and on such deposit and on receipt of proof of payment, 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 made ready, before **the learned Judicial Magistrate, Ambattur**, 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 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:



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[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 daily 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].



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

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To

1. The Judicial Magistrate, Ambattur
2. The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai 600 066.
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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