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Crl.O.P.No.9630 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.9630 of 2025

Sankar
S/o. Kuzhanthai Vel

....Petitioner/Accused

Vs

The State represented by
The Inspector of Police,
Maruvathur Police Station
Perambalur
(Crime No.21 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of his arrest **in Crime No.21 of 2025**, on the file of the
respondent police.

For Petitioner : Mr.K. Raghuraman

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



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(2), 318(4) and 351(2) of BNS 2023, in Crime No.21 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 known to each other; that the petitioner, who was working in Singapore, represented to the *de facto* complainant that he would get him a job in Singapore; that believing the words of the petitioner the *de facto* complainant had sent a sum of Rs.5,40,000/- to various persons named by the petitioner; that in spite of receipt of money, the petitioner did not obtain any job for the *de facto* complainant and refused to return the money. Hence, the case.

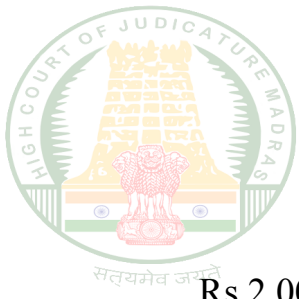
3. 3. The learned counsel for the petitioner would submit that even according to the FIR, a sum of Rs.60,000/- was returned to the defacto complainant; that to show his bonafides, the petitioner is willing to deposit Rs.2,00,000/- (Rupees Two lakhs only) to the credit of the crime number;



and that custodial interrogation is not required and hence, sought for anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl. Side) appearing for the respondent police reiterated the prosecution case and confirmed the fact that at the instance of the petitioner the *de facto* complainant had sent money to various persons by way of bank transfer and that the *de facto* complainant had received only Rs.60,000/- so far.

5. Considering the aforesaid facts and since the allegations are borne out by records, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Further, taking into consideration the voluntary submission made by the petitioner offering to deposit a sum of Rs.2,00,000/- to the credit of crime number, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.21 of 2025.



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6. Accordingly, the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime No.21 of 2025 and on such deposit and on receipt of proof of payment, 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.II, Perambalur,** 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 anticipatory bail shall stand dismissed and on further condition that:

[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 daily at 10.30. a.m., until further orders.



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[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].

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

07.04.2025

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To

1. The Judicial Magistrate No.II, Perambalur
2. The Inspector of Police,
Maruvathur Police Station
Perambalur
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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