



CRL O.P. No.9749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 04.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.9749 of 2025

1. Nalarajan S/o. Shanmugam
2. Maheswari W/o. Nalarajan
3. V.N. Ashwin Bharathi S/o. Nalarajan ... Petitioners /
Accused

Vs

State rep. by:-

The Inspector of Police,
Selvapuram Police Station,
Coimbatore District. ... Respondent
[Cr. No.28 of 2025]

S. Deyvam S/o. Chermalai .. Intervenor / Defacto
Complainant

[Permitted to intervene in Crl. O.P. No.9749 of 2025
vide order passed in Crl.M.P. No.6952 of 2025 dated
04.04.2025]

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
Cr. No.28 of 2025 on the file of the respondent police.



CRL O.P. No.9749 of 2025

WEB COPY

For Petitioners : Mr. Shanmugavelayutham
Senior Counsel for
Mr. Ranganathan Narayanan

For Intervenor : Mr. K. Karthik
For Respondent : Mr. S. Santhosh,
Government Advocate (Criminal
side)

ORDER

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420, 465, 466, 468, 471 and 120-B of IPC in connection with the case in Cr. No.28 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was running a 'Resto Bar' in the name of 'Pollachi Surabhi Manamagizh Mandram'; that he had obtained license to sell liquor; that since he could not run the business, he approached the defacto complainant; that the defacto complainant handed over a sum of Rs.1,07,00,000/- and the petitioner had promised to induct the defacto complainant and his nominees as Members of the Society; that he neither inducted them as Members nor repaid the money received as promised



CRL O.P. No.9749 of 2025

and thus committed the aforeaid offences.

WEB COPY

3. The learned Senior counsel for the petitioners would submit that the defacto complainant had not acted in terms of agreement; that out of the total sale consideration fixed, he had paid only Rs.50 lakhs to the petitioners and remitted Rs.10,49,000/- directly to the Excise department and without paying the balance sale consideration, they had forged a Form making it appear that they were inducted in the Society run by the petitioners; that the 1st petitioner had also filed a Writ petition before this Court against the defacto complainant and the official respondents. The learned counsel further submitted that in any case, the allegations only reveal breach of promise and hence prayed for anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor / defacto complainant vehemently opposed the grant of anticipatory bail and submitted that though the receipt is only for Rs.60,49,000/-, the remaining sale consideration was paid by cash; that the petitioners had



CRL O.P. No.9749 of 2025

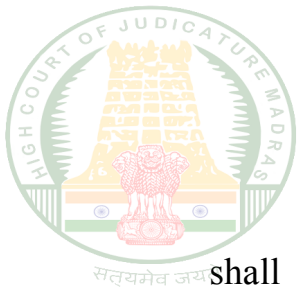
WEB COPY

made false allegations against the defacto complainant and filed a Writ petition before this Court.

5. Heard the learned Additional Public Prosecutor [Puducherry] appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the allegations relate to the breach of terms of contract.

6. The defacto complainant is unable to produce any document to prove the fact that he had paid the sale consideration as agreed upon by him. In any case, considering the nature of allegations which reveal breach of contract, this Court is of the view that the custodial interrogation of the petitioners is not required for the purpose of investigation. Considering the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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.V, Coimbatore** on condition that the petitioners



CRL O.P. No.9749 of 2025

WEB COPY

shall each 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 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 1st petitioner shall report before the respondent police every day at 10.30 a.m., until further orders; and the petitioners 2 and 3 shall appear before the respondent police once in a week i.e., on Saturday 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



CRL O.P. No.9749 of 2025

WEB COPY

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]; and

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

04.04.2025

[2/2]

mjs

SUNDER MOHAN. J.,

mjs

To

- 1.The Judicial Magistrate No.V, Coimbatore.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Selvapuram Police Station, Coimbatore District.



WEB COPY



CRL O.P. No.9749 of 2025

CRL O.P. No.9749 of 2025

04.04.2025

[2/2]