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Crl.OP.No.9943 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9943 of 2025

1.M.Jeba Clarence

2.J.Merlin

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
T-20, Kanathur.
(Crime No.58 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.58 of 2025 on the file of the respondent Police.

For Petitioners : Mr.K.Kannadhasan

For Intervenor : Mr.H.Mohamed Ghouse
for Intervenor

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



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 351(2), 318 (4) of BNS in Crime No.58 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on the promise of obtaining employment in MSME Promotion Council of India (MSMEPCI), the petitioners had initially received Rs.2,64,000/- from the defacto complainant; that the said amount was transferred by the defacto complainant through bank transfer; that thereafter, the defacto complainant had paid Rs.21,00,000/- by cash to the petitioners; that the defacto complainant later came to know that the MSME PCI is not a government organisation and the petitioners cheated the defacto complainant and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioners submitted that the allegations against the petitioners are false; that the petitioners had not received the amount in cash; that in any case, the MSME Promotion Council of India had infact appointed the defacto complainant as District



Vice Chairperson and had also issued appointment letter on 04.10.2024 and that in any case, custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The defacto complainant however vehemently opposed for grant of anticipatory bail and submitted that the petitioners have committed cheating and custodial interrogation of the petitioners is required and hence, he prayed for dismissal.

5. The learned Government Advocate (Crl. Side) for the respondent reiterated the prosecution case and confirmed the fact that MSME PCI had in fact issued appointment order on 04.10.2024.

6. Considering the aforesaid facts, the allegation against the petitioners are borne out by records, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 on which the order copy is made ready, before the **District Munsif cum Judicial Magistrate, Sholinganallur** condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 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 first petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders; the second petitioner shall report 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 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

23.04.2025

Index : Yes / No

Internet : Yes / No

rkp

To

- 1.The Inspector of Police,
T-20, Kanathur.
- 2.The District Munsif cum Judicial Magistrate,
Sholinganallur.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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