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CrI.OP.No.10693 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.10693 of 2025

Mr.Prathap Kumar

... Petitioner(s) /Accused 3

Vs.

State by,
Inspector of Police,
Sankagiri Police Station.
Cr.No.123 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail, in the event of his arrest by the respondent police, in the case pending investigation in Crime No.123 of 2025, on the file of the respondent police.

For petitioner(s) : Mr.I.Sidharthan

For Intervenor : Mr.A.Saravan

For Respondent(s) : Mr.S.Santhosh,
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4) and 351(2) of BNS,



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2023, in Crime No.123 of 2025, seeks anticipatory bail.

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2. It is the case of the prosecution that the petitioner/ third accused introduced the defacto complainant to the first and second accused; that the defacto complainant, based on the promise made by the petitioner, transferred a sum of Rs.10,54,301/- on various dates, on the assurance that the first and second accused would start a company in Thailand; that when the defacto complainant went to Thailand to meet the first and second accused, they both stated that the company could not be started and further threatened the defacto complainant of dire consequences.

3. The learned counsel for the petitioner would submit that the allegations are false; that in any case, the petitioner did not derive any benefit from the alleged transaction; that he had not introduced the defacto complainant to the first and second accused; and that in any case the allegations are borne out by records and thus, custodial interrogation of the petitioner is not required and prayed for anticipatory bail to the petitioner.



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4. The learned counsel for the defacto complainant vehemently opposed the grant of anticipatory bail and submitted that, at the instance of the petitioner, the defacto complainant had transferred money to the first and second accused; that they have jointly committed the offence of cheating and prayed for the dismissal of the anticipatory bail application.

5. The learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.

6. The allegations in the FIR would suggest that the defacto complainant had transferred a sum of Rs.10,54,301/- to the accounts of the first and second accused on the promise that they would start a business together; that subsequently, the business could not be started; and since the allegations are borne out by records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the



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event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned XIII Metropolitan Magistrate, Egmore**, on condition that the petitioner shall execute a 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 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 twice a week at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or



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trial;

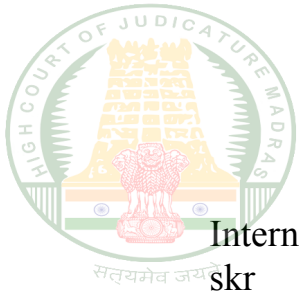
[d] the petitioner shall not abscond either during investigation or trial.

[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 absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No



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Internet: Yes/No

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To

1. Inspector of Police, Sankagiri Police Station.
2. The Public Prosecutor, Madras High Court, Chennai.
3. Learned XIII Metropolitan Magistrate, Egmore.

SUNDER MOHAN, J.

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