



Crl.O.P.No.10679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10679 of 2025 and
Crl.M.P.No.12599 of 2025

1.Sugapriya
2.Issac

... Petitioners

Vs

State Rep.by,
The Inspector of Police,
Madipakkam Police Station,
Chennai.
(Crime No.163/2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on
anticipatory bail in the event of the arrest pending investigation in Crime
No.163/2025 on the file of respondent Police.

For Petitioners : Mr.R.Umamaheswari

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side)

For Intervenor : Mr.P.K.Shiva Nagesh



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 308(2) and 351(2) of BNS, 2023 in Crime No.163 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. Case of the prosecution is that the defacto complainant borrowed money from the petitioners for urgent family need and that the amount was returned back more than she borrowed from the petitioners. Despite the same the petitioners had forcibly taken the two wheeler bearing Reg.No.TN-22-DY-6197 and four wheeler bearing Reg.No.TN-22-DZ-8644 of the defacto complainant which were purchased by availing loan from Shriram Finance Company. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. In fact the defacto complainant on her own handed over the vehicles to the petitioners since she could not return back borrowed money. But on the contrary, she lodged a false complaint. Hence, she prays for anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submits that despite the defacto complainant returned back the money borrowed, the petitioners had taken away the vehicles of the defacto complainant without her knowledge. He further submits that since the investigation is going on, he prays for dismissal of anticipatory bail.

5.The learned counsel for the Intervenor/defacto complainant strongly objected for grant of anticipatory bail to the petitioners by producing the records to show that she is paying EMI to Shriram Finance Company for the vehicles taken by the petitioners.

6.Considering the submissions and on perusal of the materials, it is seen that the petitioners are moneylenders and the defacto complainant received money from them. The contention of the defacto complainant is that despite she had repaid the entire amount, the petitioners had taken the two wheeler and four wheeler of the defacto complainant forcibly. The admitted position is that the vehicles are in the name of defacto complainant and the dispute is with regard to payment to the financier. It is also seen that earlier, this Court referred the matter for mediation but the mediation failed.



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7. In view of the above, 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, Alandur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 said Magistrate, on further condition that:

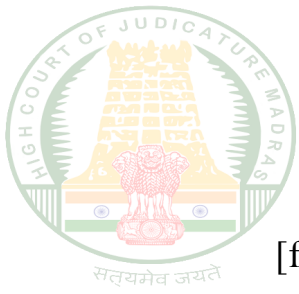
[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders. The respondent Police shall ensure the two vehicles are seized in this case and appropriate action would be taken.

[d] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall make themselves available for interrogation by a Police officer as and when required;



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[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioners shall not abscond either during investigation or trial;

[h] 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];

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

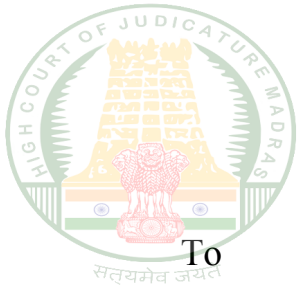
8.Crl.M.P.No.12599 of 2025 in Crl.O.P.No.10679 of 2025 is ordered.

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M.NIRMAL KUMAR, J.

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To

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- 1.The Judicial Magistrate,
Alandur.
- 2.The Inspector of Police,
Madipakkam Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court.

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