



Crl.OP.No.10802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10802 of 2025

Vairavel

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Virugambakkam Police Station,
Chennai City.
(Crime No.704 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of arrest in Crime No.704 of 2024 on the file of the respondent Police

For Petitioner : M/s.T.Dhasarathan

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

For Defacto
complainant : Mr.K.Ramadurai

ORDER

The petitioner, who apprehends arrest at the hands of the respondent



Crl.OP.No.10802 of 2025

police for the offences punishable under Section 316(2) and 318(4) of BNS in Crime No.704 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with the other accused, sold a car to the defacto complainant in the year 2021 by creating bogus documents; that the defacto complainant later came to know that the petitioner along with the other accused had forged the documents and sold the car for a total sum of Rs.7,00,000/-; that the RTO authorities have now issued a notice to the defacto complainant asking him to surrender the car, since the car was found to be running with a counterfeit registration number and that the RTO cancelled the registration of the vehicle.

3. The learned counsel appearing for the petitioner submitted that the petitioner was only working as an agent and had not gained monetarily from the transaction and prayed for anticipatory bail to the petitioner.

4. The learned counsel appearing for the defacto complainant vehemently opposed the grant of bail to the petitioner stating that the petitioner along with other accused cheated the defacto complainant to the



tune of Rs.7,00,000/- by selling a car with a counterfeit registration number.

He further submitted that the defacto complainant is willing to surrender the car to the RTO authorities.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police, who reiterated the prosecution case.

6. At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show his bonafide, is ready and willing to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.704 of 2024 without prejudice to his defence. He further submitted that on such deposit being made, the defacto complainant may be permitted to withdraw the same.

7. Considering the nature of allegations, period of incarceration, and the submission that the petitioner is willing to deposit an amount of Rs.2,00,000/- to the credit of Crime No.704 of 2024 and since 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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8. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,00,000/- [Rupees Two Lakhs Only]** to the credit of Crime No.704 of 2024 before the trial Court **within a period of four weeks**, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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 is made ready, before the *learned Metropolitan Magistrate-XXIII, Saidapet*, 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 conditions that:

[a] 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;



CrI.OP.No.10802 of 2025

WEB COPY

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

21.04.2025

Index : Yes / No

Internet : Yes / No

dpa

To

1.The Inspector of Police,
Virugambakkam Police Station,
Chennai City.

2.The learned Metropolitan Magistrate-XXIII,
Saidapet, Chennai.

3.The Public Prosecutor,
Madras High Court, Chennai.

SUNDER MOHAN , J.



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Crl.OP.No.10802 of 2025

dpa

Crl.O.P.No.10802 of 2025

21.04.2025