



Crl.OP.No.11761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11761 of 2025

1.M.Ahmed Hijaz

2.S.Ahmed Nasrin

.. Petitioners

Vs.

The State rep by
The Inspector of Police, (Crime)
Nungambakkam Police Station, Chennai.
(Crime No.239 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.239 of 2025 on the file of the respondent
Police.

For Petitioners : Mr.L.Ramu
For Intervenor : Mr.J.Ranjithkumar
For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 406 & 420 IPC in Crime
No.239 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that on the promise of giving high returns, the defacto complainant have transferred a sum of Rs.44,00,000/- on 12.04.2019; Rs.16,00,000/- on 14.04.2019 through cheque and Rs.4,00,000/- on 22.04.2019 through cheque to the first petitioner; that thereafter, the petitioners returned only Rs.30,00,000/- and failed to repay the balance amount. Hence, the case.

3. The learned counsel for the petitioners would submit that the allegations against the petitioners are false; that the alleged transactions took place in the year 2019; that the allegations only disclose a civil dispute and that in any case, custodial interrogation of the petitioners is not required and hence prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainant however vehemently opposed for grant of anticipatory bail to the petitioners and submitted that a sum of Rs.48,00,000/- is due to be paid by the petitioners and the custodial interrogation is required and prayed for dismissal of the petition.

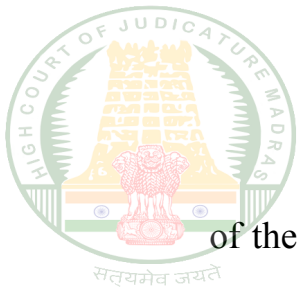


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5. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirmed the fact that the alleged transactions took place in the year 2019.

6. Admittedly, the alleged payment was made to the petitioners in the year 2019. Even according to the defacto complainant, the petitioners had repaid a portion of the amount. The allegations only disclose a civil dispute. This Court is of the view that custodial interrogation of the petitioners are not required for the purpose of investigation. Hence, 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 **14th Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners shall 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



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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 petitioners shall report before the respondent police everyday 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 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]**;

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

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Index : Yes / No
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To

- 1.The 14th Metropolitan Magistrate, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police (Crime),
Nungambakkam Police Station, Chennai.



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SUNDER MOHAN , J.

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