



Crl.OP.No.12312 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12312 of 2025

K.Sathish

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Central Crime Branch
Avadi, Chennai – 600054.
(Crime No.28 of 2025)

.. 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.28 of 2025 on the file of the respondent Police.

For Petitioner : M/s.L.Infant Dinesh

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 34 and 420 IPC Act in
Crime No.28 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the first and second accused are husband and wife respectively; that under the pretext of starting a new business, they sought financial assistance from the defacto complainant and other victims; that the accused made the defacto complainant and other victims to obtain loans from the Banks in their names; that initially, the accused made payments towards loan EMIs and thereafter, they failed to pay the money and thus committed cheating. It is alleged that the petitioner, who is an agent of the Bank, conspired with the accused in the disbursal of loans to the defacto complainant and other persons.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner was only working as an agent and had not gained monetarily from the transactions and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and filed a counter



affidavit stating that the petitioner was acting as an agent of the bank and conspired to sanction and disburse a loan in favour of the defacto complainant; that there is one previous case pending against the petitioner.

5. Admittedly, first and second accused have been arrested and still in custody. The petitioner had not made false representations to the defacto complainant and had not gained monetarily from the transactions. Considering the aforesaid facts, nature of allegations 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 petitioners with certain conditions.

6. Accordingly, 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 **Judicial Magistrate-I, Poonamalle Court, Thiruvallur**, 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



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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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or 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 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
Internet : Yes / No
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To

- 1.The Inspector of Police,
Central Crime Branch
Avadi, Chennai – 600054.
- 2.The learned Judicial Magistrate-I,
Poonamalle Court, Thiruvallur.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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