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Crl.OP.No.13137 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.13137 of 2025

Santhosh

... Petitioner(s) /Accused 5

Vs.

The State rep by
The Inspector of Police,
Selvapuram Police Station,
Chennai.
Crime No.125 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya

Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest concerned in Crime No.125 of 2025 pending on the file of the respondent police.

For petitioner(s) : Mr.R.Subramanian

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

ORDER

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



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police for the offences punishable under Sections 316(2), 318(4) and 351(3)

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of BNS r/w Section 72 of the Tamil Nadu City Police Act, 1888 and Section 66 of the IT Act, 2000, in Crime No.125 of 2025 seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant had initially deposited a sum of Rs.10,000/- on a betting website during the IPL games and subsequently deposited Rs.6,00,000/-, which he lost; that when the defacto complainant demanded the said amount from the co-accused, they threatened him of dire consequences; and that the petitioner has been implicated based on the confession of the co-accused.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner had nothing to do with the alleged offence of cheating; that he has been implicated solely based on the confession of the co-accused; and that, in any case, considering the fact that the co-accused has already been arrested and released on bail, custodial interrogation of the petitioner is not required. Hence, he sought the grant of anticipatory bail to the petitioner.



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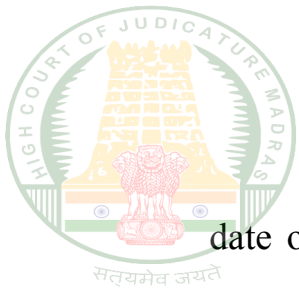
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4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police, who reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.

5. Admittedly, the defacto complainant was also involved in betting and had deposited certain sums of money. The co-accused has been arrested and released on bail. The petitioner is sought to be implicated solely based on the confession of the co-accused. It is not the case of the defacto complainant that the petitioner had induced him to make the deposit.

6. Considering the aforesaid facts, the 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 petitioner with certain conditions.

7. 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



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date on which the order copy made ready, before the **learned V Judicial Magistrate, Coimbatore**, on condition that the petitioner 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 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 daily at 10:30 a.m.

[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 petitioner in accordance with law as if the conditions have been imposed



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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”*** reported in **(2005) AIR SCW 5560.**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

28.04.2025

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

1. The Inspector of Police,
Selvapuram Police Station, Chennai.
2. The Public Prosecutor,
Madras High Court, Chennai.
3. Learned V Judicial Magistrate, Coimbatore.



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SUNDER MOHAN, J.

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