



Crl.OP.No.13532 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.13532 of 2025

Mohanaperumal

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
CCB Avadi Police Station,
Avadi,
Thiruvallur District.
(Crime No.37 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.37 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : M/s.Krishnasamy Chinnasamy

For Respondent : M/s.J.R.Archana
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 17.03.2025, seeking bail in Crime No.37 of 2025 registered for the offence under Section 420 r/w 34 of IPC.

2.The case of the prosecution is that the petitioner is working as a Manager with the defacto-complainant; that he sought for financial help from the defacto-complainant for a marriage function to be held in the family; that the defacto-complainant had handed over his credit cards for the petitioner and the petitioner had purchased articles and jewels worth Rs.1,07,64,052/- and had repaid Rs.43,89,972/- and thus, committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegation of cheating is not made out; that the allegations only reveal non-payment of the loan received; that even according to defacto-complainant Rs.43,89,972/- was paid; that hence considering the period of incarceration,



he may be released on bail.

WEB COPY 4. Heard the learned counsels on either side and perused the records.

5. The allegation is that the defacto-complainant had handed over the credit card on the request of the petitioner for using the same for the marriage expenses of the petitioner. The petitioner had spent a sum of Rs.1,07,64,052/-. It is seen from the First Information Report that the petitioner had paid a sum of Rs.43,89,972/- out of total sum of Rs.1,07,64,052/- received. The petitioner is in custody from 17.03.2025. The allegations only reveal that the petitioner has not repaid the loan received from the defaco-complainant. Considering the period of incarceration, nature of allegations which are borne out by records, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the

learned Judicial Magistrate court No.2, Poonamallee 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 appear before the respondent Police daily at 10.30 a.m., until further orders;

[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.

29.04.2025

Index : Yes / No



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Internet : Yes / No

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To

- 1.The Inspector of Police,
CCB Avadi Police Station,
Avadi,
Thiruvallur District.
- 2.The Judicial Magistrate court No.2, Poonamallee
- 3.The Superintendent of Prison,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN , J.

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