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Crl.O.P.No.14702 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.05.2025

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.No. 14702 of 2025

Jayabal

... Petitioner

Vs

State Rep. by
The Inspector of Police,
Peralam Police Station,
Tiruvarur District.

[Cr. No. 197 of 2025]

... Respondent

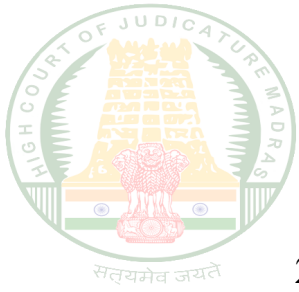
PRAYER: The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to enlarge the petitioner on anticipatory bail in the event his arrest in Crime No. 197 of 2025 pending investigation on the file the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.Dr.C.E.Prathap
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Section 318(4) of BNS, 2023, in Crime No.197 of 2025 on the file of the respondent police seeks anticipatory bail.



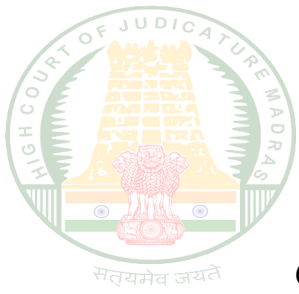
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2.The case of the prosecution is that the petitioner and the defacto complainant are brothers; that the defacto complainant was working in foreign country and he has sent money to the petitioner for construction of a house; and that the petitioner has swindled the amount sent by the defacto complainant and thereby cheated him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the amount whatever has been sent by the defacto complainant from abroad to the tune of Rs.1,38,843/- has been adjusted between the parties and the remaining amount of Rs.88,313/- has also been handed over to the defacto complainant and the receipt is also produced before me in this regard. He further submitted that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he sought for bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for the grant of bail.

5.Heard both side and perused the materials available on record.



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6.Considering the aforesaid facts, the nature of allegations charged against the petitioner and also considering the fact that there is no previous case pending against the petitioner, 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/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***District Munsif cum Judicial Magistrate, Nannilam***, on condition that the petitioner shall execute a 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 and on further condition that:

[a] the petitioner shall report **before the respondent police everyday at 10.30 A.M. for a period of one month and thereafter as and when required for interrogation;**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.



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[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]*.

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

09.05.2025

ata/rkp

Note :

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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Copy to:

- 1.The Inspector of Police,
Peralam Police Station,
Tiruvarur District.
- 2.The District Munsif cum Judicial Magistrate,
Nannilam.
- 3.The Public Prosecutor, High Court, Madras.



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L.VICTORIA GOWRI J.

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