



WEB COPY



Crl.O.P.No.14767 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.14767 of 2025

1.C.Kunguma Prabhu
2.C.Kunguma Harish
3.N.Angu Prakash
4.C.Angu Lakshmi

... Petitioners

Vs.

The State Rep By,
The Inspector of Police,
AVADI CCB Police Station,
Avadi.
Crime No.50 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of BNSS 2023, to grant an anticipatory bail to the petitioners in the event of their arrest in Crime No.50 of 2025 pending investigation on the file of the Respondent Police herein.

For P1 & P3 : Mr.Dinesh Kumar
For P2 & P4 : Mr.G.Prabhakaran
For Respondent : Mr.A.Gopinath,
Government Advocate (Criminal Side)
For Intervenor : Mr.P.Krishnan



Crl.O.P.No.14767 of 2025

ORDER

WEB COPY

The petitioners herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC (316(2) and 318(4) of BNS), on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that A1 to A4 are family members. By using the friendship between A1 and the de-facto complainant's son, they induced the de-facto complainant to invest in a gold coin business. Gradually, they gained his confidence and altogether collected a total sum of Rs.33,23,442/- from the de-facto complainant. Subsequently, they failed to repay the money and cheated him. Hence, a complaint was registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that A1, who is the first petitioner has already been arrested and released on bail, and therefore, the petition filed on his behalf is not pressed. He further submitted that A2 to A4 are mother and sons, and there are no specific allegations against them. It is purely a business transaction. During the course of the business, A2 has already repaid a sum of Rs.4,00,000/- into the account of the de-facto complainant. The FIR also reveals that A2 had



Crl.O.P.No.14767 of 2025

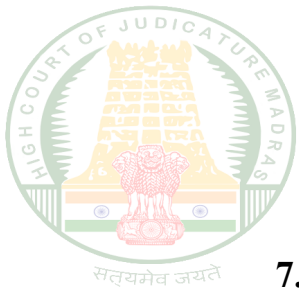
WEB COPY

received only Rs.3,40,000/-, and the telephonic conversation shows that a total sum of Rs.55,25,442/- was received by the petitioners. Since all the petitioners are family members, the exact transaction between each of them is not clear. It is also submitted that A1 had issued three cheques towards repayment of the amount, which were subsequently dishonoured. Therefore, the petitioners contend that it is a purely civil dispute arising out of business dealings and pray for the grant of anticipatory bail.

4. The learned counsel for the intervenor has opposed to grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that, out of the four accused, A1 has already been arrested, while the others are absconding. Though summons were issued to the petitioners, they failed to appear. It is further submitted that the second petitioner had received Rs.3,40,000/- in his bank account. Hence, he opposed the grant of anticipatory bail to the petitioners.

6. Heard the learned counsels on either side and perused the materials available on record.



Crl.O.P.No.14767 of 2025

WEB COPY

7. Considering the nature of the allegations levelled against the petitioners, the fact that A1 (the arrested accused) has already been released on bail, and that cheques have been issued between the parties, this Court is of the considered view that custodial interrogation of the petitioners is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate – 1, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** **with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a



WEB COPY



CrI.O.P.No.14767 of 2025

copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

14.10.2025

nvi
To

- 1.The Judicial Magistrate -1,
Poonamallee.
- 2.The Inspector of Police,
AVADI CCB Police Station,
Avadi.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.14767 of 2025

K.RAJASEKAR, J.,

nvi

Crl.O.P.No.14767 of 2025

14.10.2025