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Crl.O.P.No.15619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.06.2025
PRONOUNCED ON : 24.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15619 of 2025

K.Sivakumar

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.
Crime No.223 of 2025.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.223 of 2025 on the file of the Inspector of Police, Namkkal Police Station.

For Petitioner : Mr.V.L.Akshai Sajin Kumar

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. Side)

For Intervenor : Ms.Kruthika



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.05.2025, for the offence punishable under Sections 108 & 351(2) of BNS and Section 66E of Information Technology Act, 2000 in connection with Crime No.223 of 2025 on the file of the respondent Police, seeks bail.

2.The contention of the petitioner is that the petitioner is an innocent person, he has not committed any offence as alleged by prosecution and falsely implicated in this case. The deceased Asokan and defacto complainant are spouses and they have a daughter. In this case, the deceased Asokan borrowed a sum of Rs.26,91,900/- between 05.05.2023 and 10.06.2024 from the petitioner and this amount transferred through RTGS/NEFT. The deceased executed promissory note agreeing to repay loan amount with monthly interest of Rs.1.50/- per hundred. The deceased Asokan's daughter borrowed a sum of Rs.17,90,000/- between 14.05.2024 and 15.05.2024 from the petitioner through RTGS/NEFT and executed promissory note dated 10.06.2024 to repay loan on the same interest rate. When the petitioner requested the deceased and his daughter to repay the



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loan amount, they failed to do so. Thereafter, the petitioner obtained encumbrance certificate for the property situated at Pottireddipatty Village, Senthamangalam Taluk, Namakkal District owned by deceased and his daughter. To shock and surprise, it came to light that both executed nominal sale deed in favour of one Moorthi with an intention to deny petitioner's right to recover the loan amount. The learned counsel further submits that the petitioner already filed Insolvency Petition in I.P.No.33 of 2024 (pending) before the learned Subordinate Judge, Namakkal seeking declaration of Asokan and his daughter as insolvent and to vest the above property to Official Receiver. After filing of insolvency petition, the petitioner was looked enimically by deceased Asokan and his family. On 25.12.2024 when the petitioner was going to Court, the deceased Asokan and two henchmen restrained and assaulted the petitioner and also attempted to throw huge stone on him. The petitioner somehow escaped and ran for his life and sent a complaint to the respondent Police on 28.12.2024. Following this incident on 02.01.2025, the deceased Asokan with the help of one Senthil and 8 others, kidnapped the petitioner in a car, attacked, assaulted and forcefully obtained signature and thumb impression of the petitioner in blank promissory notes and stamp papers. Further, the



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petitioner was forced to withdraw money from his bank account. For this purpose, the deceased and his associates took the petitioner to Karur Vysya Bank, Namakkal West Branch to withdraw money as well as to open locker. At that time, the deceased stood outside, the petitioner entered the bank, informed the Bank Manager who informed the respondent Police. On receipt of information, the respondent Police came to the bank, enquired and registered case against deceased Asokan, Senthil and other identifiable persons in Crime No.35 of 2025 for offence under Sections 126(2), 140(2), 115(2), 351(2) & 308(4) of BNS. In defensive, deceased Asokan lodged complaint against the petitioner in Crime No.36 of 2025 for offence under Section 354A, 417, 420, 493 IPC and Section 351(2) of BNS.

3.The learned counsel further submits that petitioner earlier filed anticipatory bail in CrI.O.P.No.2694 of 2025 for the case projected against him in Crime No.36 of 2025 and this Court on 04.02.2025 granted anticipatory bail. The petitioner's gave loan to the deceased Asokan and his daughter through RTGS/NETF for a sum of Rs.44,81,900/-. Since Asokan committed suicide by consuming poison due to pressure from the persons whom he cheated, now the petitioner is sighted out and projected as though



the petitioner during tenancy with deceased Asokan developed love affair with his daughter, took intimate photographs with her and forced her to have physical relationship. Further, the deceased Asokan and his wife/defacto complainant claimed to have given Rs.1,55,00,000/- in cash for buying property which comes through Court auction and to make profit out of it. The petitioner cheated them and abetted the deceased to consume poison to end his life, is far-fetched.

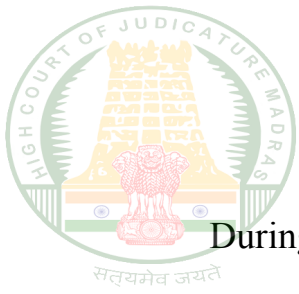
4.He further submits that anticipating the petitioner filing insolvency petition, the defacto complainant herein filed divorce petition before the Family Court, Namakkal in FCOP.No.118 of 2024 against her husband Asokan on the ground of cruelty, but the deceased Asokan filed counter denying the same. The petitioner also filed civil suit against the deceased Asokan and his family members in O.S.No.100 of 2025 before the learned Subordinate Judge, Namakkal. The petitioner approaching legal recourse and taking steps to recover his money from the deceased and his family. On the other hand, the petitioner arrested on the false allegation as though he is the reason for the death of the deceased Asokan. During investigation, the petitioner's mobile phone seized. The learned counsel further submits that



the petitioner is in prison from 01.05.2025 and major portion of the investigation completed, hence prayed for bail.

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5.The learned Additional Public Prosecutor appearing for the respondent Police on the other hand filed counter and submitted that in this case the petitioner projected himself as Advocate, junior to one Mahindran and he was a tenant in the second floor portion of defacto complainant's property. Within a short period, the petitioner developed love affair with the defacto complainant's daughter and promised to marry her. During the relationship, the petitioner took intimate photographs of defacto complainant's daughter. Taking advantage of the same, the petitioner forced the defacto complainant's daughter for physical relationship. Further, the petitioner represented that he can purchase properties through Court auction at lesser rate and later the same can be sold with good profit margin. Believing the same, the defacto complainant and her husband Asokan between August 2024 and October 2024 gave cash of Rs.1,55,00,000/- in installments. The petitioner also took thumb impression and signature in blank promissory notes, green papers and also in stamp papers. During November 2024, the petitioner vacated the house, unable to be found.



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During December, 2024, the defacto complainant's daughter found the petitioner near her house and enquired for non repayment of the money. At that time, the petitioner abused and threatened her in public to post the photographs available with him in social media. Hence, a complaint lodged to the All Women Police Station on 28.12.2024, the petitioner was called, warned and let off. On 02.01.2025, the petitioner called the defacto complainant's husband Asokan informing that he is ready to repay entire amount and further to handover the property documents from his locker. Believing the same, the defacto complainant's husband Asokan along with Anbu, Senthil had gone to the bank where the petitioner was present along with an Advocate Mahindran. The petitioner informed the respondent police, lodged a complaint as through he was threatened. The respondent Police came there, picked up the petitioner and defacto complainant's husband and case and counter case in Crime Nos.35 & 36 of 2025 registered.

6.It is further submitted that earlier, the petitioner filed insolvency petition in I.P.No.33 of 2024 against the defacto complainant's husband, daughter and one Moorthy. The petitioner is claiming himself as junior to Advocate Mahindran and will not pay any amount. The petitioner ensured



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that the defacto complainant's family to come to street and all their properties attached and auctioned, further the defacto complainant's daughter photographs available with him will be published in social media. On coming to know of the illegal design and back lash to be faced in the society, on the fateful day, the defacto complainant's husband Asokan came home during lunch hours with depression, informed the defacto complainant that there is no purpose to live in this world, consumed poison. At that time, the defacto complainant's husband vomited and informed he consumed poison, later, he was taken to the hospital, three days later he passed away on 29.04.2025. During investigation, it is found that though the petitioner claimed to be junior Advocate, not enrolled as Advocate and he is only an Office Assistant in a Clerk in Namakkal. On 01.05.2025, the petitioner was arrested and he confessed the receipt of money from the deceased Asokan in cash, thereafter, some deposits made in the defacto complainant's husband and daughter account. This deposit made is only to create defence and to project against the defacto complainant. Now, the investigation is in progress, hence strongly opposed for bail.

7.Ms.Kruthika, learned counsel for Intervenor submitted that the



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petitioner, an Advocate Clerk, but projected himself as Advocate, junior to one Mahindran stayed in the defacto complainant's house as tenant. Within short period, with a design and sweet coated words, the petitioner developed love affair with defacto complainant's daughter, hugged and kissed her and recorded the same in his mobile phone. Using the same, the petitioner forced defacto complainant's daughter for physical relationship. Taking advantage of defacto complainant's husband having limited knowledge of Court, the petitioner projected as though he is an upcoming successful Advocate and in Court several properties come for auction which can be purchased at a lower rate and later, the same can be sold with good profit margin. The defacto complainant's husband, who was in real estate, recently sold a property and having Rs.1,55,00,000/- in cash. On coming to know the same, this design has been made. The defacto complainant's husband paid the amount in cash to the petitioner. The petitioner projected that since the amount is given in cash, he has to show bank transactions to raise his financial capabilities for the purpose of bidding in the Court auction. Hence, the amount which was received in cash by the petitioner, deposited in the defacto complainant's daughter and husband account, later shown withdrawn by the defacto complainant's husband and daughter. Inf act the withdrawn



amount was collected by the petitioner. Presently these amounts projected as though the petitioner paid Rs.44 lakhs to the defacto complainant's husband and daughter. The petitioner hails from an ordinary family having no source of income, suppressing this fact, he collected money from the defacto complainant and her husband and filed Insolvency Petition.

8.The learned counsel further submits that since there was some misunderstanding for a short period between defacto complainant and her husband, the defacto complainant filed divorce petition before the learned Subordinate Judge, Namakkal, which is now projected against them. Having acquaintance with an Advocate Mahindran, Selvam and others, the petitioner ensured filing of insolvency petition and civil suit as a defence to deny the repayment of amount received from the defacto complainant and his family. Added to it, the petitioner abused the defacto complainant's husband and daughter in public and threatened the pictures of defacto complainant's daughter will be uploaded in social media. Due to which, the defacto complainant's husband got shattered and committed suicide by consuming poison, the petitioner is the reason and cause for ill-fate of her husband. The learned counsel further submits that the petitioner has got

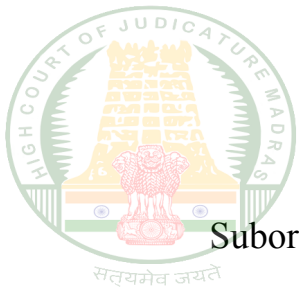


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several cases against him right from the year 2011. Though the petitioner might have come out from some cases it is for various reasons, that does not give a clean hit to petitioner's conduct. The registering of cases regularly against the petitioner for these years, confirm ill-design and criminal intention of petitioner, thereby abetting the defacto complainant's husband to end his life, now the defacto complainant's daughter life is in quandary. In view of the above, the learned counsel strongly opposed for bail.

9.Considering the rival submissions and on perusal of the materials, it is seen that the petitioner was a tenant under the defacto complainant for a short period, during that time, he gained confidence of the defacto complainant and her husband and they gave money for purchasing property, through Court auction.

10.It is also seen that the petitioner and defacto complainant's daughter had love affair for some time, the defacto complainant's daughter claims she was deceived and cheated by the petitioner. There is case and counter case in Crime Nos.35 & 36 of 2025. Earlier to this, the petitioner filed insolvency petition in I.P.No.33 of 2024 against the defacto complainant's husband, daughter and one Moorthy before the learned



Subordinate Judge, Namakkal. Hence, there is some animosity between them.

11.Considering the period of incarceration and case and counter case exists between them, this Court is inclined to grant bail to the petitioner with certain conditions.

12.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.I, Namakkal, and on further conditions that:

[a]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 copy of any one of the identity proofs to ensure their identity;

[b]the petitioner shall appear before the respondent Police everyday at 10.30 a.m. till filing of final report and thereafter, appear before the trial Court on all hearing dates without fail.



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[c]the petitioner shall make himself available for interrogation by a

Police Officer as and when required;

[d]the petitioner shall not directly or indirectly cause any threat to the

de-facto complainant and witnesses;

[e]the petitioner to give an undertaking that if required for being

identified by witnesses during investigation or for police custody beyond the

first fifteen days, he shall comply to the directions as may be given by the

Court in this regard;

[f]On breach of any of the aforementioned conditions, the learned

Magistrate/Trial Court is entitled to pass appropriate orders against the

petitioner in accordance with law as if the aforementioned conditions have

been imposed and the petitioner released on bail by the learned

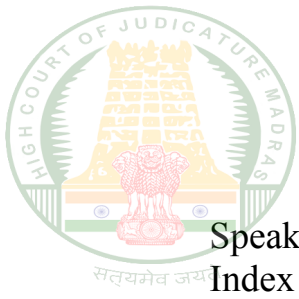
Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[g]If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 of B.N.S.

24.06.2025



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Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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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 the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate No.I,
Namakkal.
- 2.The Inspector of Police,
Namakkal Town Police Station,
Namakkal District.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
CrI.O.P.No.15619 of 2025

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