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CRL OP No. 15914 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15914 of 2025

P. Harish

Petitioner(s)

Vs

The State by
SSI (SHO), City Crime Branch,
CCB Police Station, Tirupur.
Crime No.9 of 2025.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS Act 2023 to release the petitioner on bail in the even of his arrest in Crime No.09 of 2025 on the file of the respondent police.

For Petitioner(s): M/s. T. Saikrishnan for Mr.V.Kamal

For Respondent(s): M/s. Leonard Arul Joseph
Selvam GA (Crl. Side)

For Intervener: Mr.R.Prabakar

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318, 351(2), & 296 of BNS



2023 in Crime No.9 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 along with other accused approached the defacto complainant, stating that they were doing business under the name and style of M/s. Sivakami Floritech India at Nilgiris, involved in exporting flowers and selling them in the local market. They stated that to expand their business, they required a loan and additional funds and promised to share the profits with the defacto complainant, if he invested in their business and they also assured repayment of the loan amount within six months. Relying on these promises, the defacto complainant transferred a total sum of Rs.6,55,00,000/- from different account. However, the petitioner and other accused did not fulfil their promises and diverted the borrowed funds for other purposes. When the defacto complainant demanded repayment and profit share, the petitioner and other accused criminally intimidated and threatened him with dire consequences. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. Petitioner is ready to abide any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and further submitted that the co-accused in this case were arrested and granted bail by the lower Court and however, opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor raised strong objection for granting anticipatory bail to the petitioner by stating the gravity of offence.

6. Heard the learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Criminal Side) for the



respondent police and perused the materials available on record.

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7. Considering the submissions made by the learned counsel appearing on either sides, co-accused were granted bail by the lower Court and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 date on which the order copy made ready, before **the learned Judicial Magistrate- JM1, Tirupur** on condition that of 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 proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said



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Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks;

[d] The petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No. 9 of 2025 and shall produce the proof of payment before the learned Magistrate concerned at the time of executing the sureties. The learned concerned Magistrate shall deposit the same in the interest bearing fixed deposit scheme in any one of the nationalised banks.

[e] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall make himself available for interrogation by a Police office as and when required;

[g] 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;

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[h] the petitioner shall not abscond either during investigation or trial;

[i] 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];

[j] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

15-07-2025

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To

1.The SSI (SHO)

City Crime Branch, CCB Police Station,
Tirupur.

2. The Judicial Magistrate, JM1, Tirupur.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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