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Crl.O.P. No.17153 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.17153 of 2025

Allimuthu

... Petitioner/ Accused No.3

Vs.

The State Rep. By,
The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.176 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.176 of 2025, on the file of the respondent police.

For Petitioner : Mr. T. Shanmugam

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



Crl.O.P. No.17153 of 2025

ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 140(3) of BNS in Crime No.176 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant is a Mason by profession; that on 26.03.2025, the accused persons contacted the defacto complainant's daughter over defacto complainant's husband phone and stated that the defacto complainant's husband along with his friend one Baskar had approached A1 and A2 and obtained a sum of Rs.10,00,000/- by making false assurance that they will double the amount and subsequently, cheated the petitioner and other accused; that thereby, the petitioner and other accused had illegally detained the defacto complainant's husband. Hence, this case.

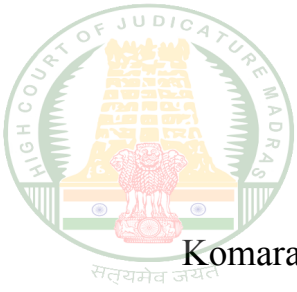
3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he had never committed any offence as alleged by the prosecution. He further submitted that the defacto complainant's husband and his friend one



WEB COPY

Baskar had cheated the petitioner and his friends a sum of Rs.10,00,000/- on false assurance of doubling the money in a short span of time and thereafter, the said Baskar had returned back only fake currency with white papers; for which the petitioner and other accused questioned the defacto complainant's husband, therefore, the defacto complainant had lodged a false complaint against the petitioner and other accused as though her husband was kidnapped for ransom. He further submitted that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there are totally four accused in this case and the petitioner herein arrayed as A3; that A1, A2 and A4 were arrested and granted bail; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner. He further submitted that the point of jurisdiction, the Crime No.176 of 2025 on the file of the respondent police is now transferred and investigated by the



Crl.O.P. No.17153 of 2025

Komarapalayam Police Station, Namakkal District in Crime No.203 of 2025.

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5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents and some of the co-accused were already released on bail and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Komarapalayam** on condition that the petitioner shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] if the petitioner fails to surrender before the said 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 Inspector of Police, Komarapalayam Police Station everyday at 10:30 a.m., until further orders;

[d] 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;

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

[f] 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;

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



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Crl.O.P. No.17153 of 2025

M. NIRMAL KUMAR, J.

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[h] 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];

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

19.06.2025

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To

1. The Judicial Magistrate,
Komarapalayam.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.176 of 2025)
3. The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
(Crime No.203 of 2025)
4. The Public Prosecutor, High Court of Madras.

Crl.O.P. No.17153 of 2025