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CrI.O.P.No.17861 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17861 of 2025

S.D.Muthukumar

... Petitioner/A1

Vs.

The State represented by
S.H.O., CBCID Police Station,
Tho' PP Pondicherry
(Crime No.02 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.02 of 2025 on the file of the respondent police.

For Petitioner : Mr.G. Mohanakrishnan

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2025, for the offence punishable under Sections 420, 468, 471 of IPC read with Section 34 of IPC and under Section 318, 336, 338 of BNS read with Section 34 of BNS in Crime No.02 of 2025, registered on the file of



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the respondent, seeks bail.

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2. The learned counsel appearing for the petitioner is that the petitioner was engaged in real estate business and became partner with the defacto complainant and during their business, the petitioner had given a cheque which got dishonoured and therefore the petitioner is facing 138 proceedings and he was arrested in this case. He further submitted that the petitioner without prejudice to his defence is ready and willing to deposit a sum of Rs.15,00,000/- to the credit of Crime No.02 of 2025. Hence, he prayed for grant of bail to the petitioner.

3. Learned Public Prosecutor (Puducherry) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner shall **deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the credit of Crime No.02 of 2025 and the trial Court shall deposit the same in an interest bearing account and on such deposit, the petitioner is ordered to be released on bail on their 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 Principal Sessions Judge at Puducherry 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 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;

[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



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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.

01.07.2025

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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



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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 Principal Sessions Judge at Puducherry
- 2.S.H.O., CBCID Police Station,
Tho' PP Pondicherry
- 3.The Kalapet Prison
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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