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Crl.O.P.No.18044 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18044 of 2025

M.Gnanasuriyan, (M/A 48 years),

... Petitioner/Accused

Vs.

State Rep. by,
The Inspector of Police (Crime),
R3, Ashok Nagar Police Station,
Chennai.

...Complainant/Respondent

Prayer: Criminal Original Petition filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita*, 2023, pleaded to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.115 of 2025, on the file of the Inspector of Police, R3, Ashok Nagar Police Station, Chennai.

For Petitioner : Mr.T.R.Ravi

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For Intervenor :Mr.J.Ramesh,



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Sections 316(2) & Section 318(3) of BNS, Act 2023, in Crime No.115 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner submits that the defacto complainants Parthasarathi and Nagaraj, approached him through broker Sasikumar to invest in a hotel business. They invested Rs.20,90,000 in “Adayar Vaishnava Thattu Idly Kadai” at West Mambalam, Chennai. Due to COVID-19 lockdowns, the business could not be started as planned. Though the shop opened in November 2021, it soon closed when workers left and did not return. In February 2022, the shop was shut without the complainants’ knowledge and Rs.10,65,000/- of their investment was not returned, leading to the present complaint.

3. The petitioner and the defacto complainant entered into a Letter of Intent on 02.01.2020 for a hotel business. The civil dispute has been given



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a criminal colour by the complainant, who is attempting to arm-twist his erstwhile partner. After receiving Rs.9.5 lakhs under the partnership understanding between the petitioner and the defacto complainant, the complainant has filed the present criminal complaint only to extract money, which amounts to abuse of process.

4. The learned counsel states that the petitioners are innocent and have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed the grant of anticipatory bail.

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

7. Considering the submissions made and on perusal of the



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materials placed on record, this Court is of the view that the case arises out of civil dispute which has been given a criminal colour. Taking into account the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of their arrest or on their appearance, **on or before 28.08.2025 before the learned XVII Metropolitan Magistrate, Saidapet, Chennai** on condition that **the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)** with two sureties, each for a likesum 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:

(a) If the petitioner fail to surrender before the concerned Magistrate on or before 28.08.2025, this Order shall stand automatically cancelled;

(b)The sureties shall affix their



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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 identify proofs to ensure their identity;

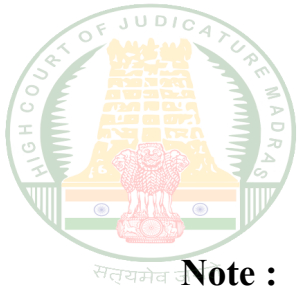
(c)The petitioner shall report before the respondent police as and when required for interrogation;

(d)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the 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 v. State of Kerala [(2005) AIR SCW 5560]*;

(f)If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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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 XVII, Metropolitan Magistrate Court, Saidapet, Chennai.
2. The Inspector of Police, R3, Ashok Nagar Police Station, Chennai.
3. The Public Prosecutor, High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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