



Crl.O.P.No.23980 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.23980 of 2025

1. P.Sunil Kumar Bothra
2. P.Nitesh Kumar Bothra

... Petitioners

Vs.

State By,
The Inspector of Police,
Sathangadu Police Station,
Ponneri Taluk,
Thiruvallur District.
Crime No.222 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.222 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.Rajavelu



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For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)

For Intervenor : Mr.R.Sankarasubbu

ORDER

The petitioners herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 406 and 506(1) of IPC in Crime No.222 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioners is that the petitioners are the financiers of the lorries borrowed by the defacto complainant in this case, since the defacto complainant has defaulted in payment of money, they have seized the lorry and sold it to the thirdparty and thereby caused loss to the defacto complainant. Hence, the case.



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3. The learned counsel appearing for the petitioners submitted that it is the case of voluntary surrender and same are second hand lorries hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

5. The learned counsel appearing for the defacto complainant/intervenor submitted that, the defacto complainant had defaulted only three instalments, for which, petitioners have seized the lorries, and then caused huge loss to the tune of Rs.60 lakhs.

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



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7. Admittedly, it is the case of non-payment of instalments by the defacto complainant which resulted in seizure of the vehicle and according to the deffacto complainant, he suffered loss to the extent of Rs.60 lakhs since there was distress sale was effected. Since it is a case of default in instalments and seizure of vehicle, I am of the view that the custodial interrogation of the petitioner is not necessary and hence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvottiyur** on condition that each of the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with two **sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:



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[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioners 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;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by



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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]**;

[e] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

19.11.2025

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To

- 1.The Judicial Magistrate,
Thiruvottiyur.
- 2.The Inspector of Police,
Sathangadu Police Station,
Ponneri Taluk,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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