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Crl.OP.No.25925of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.25925 of 2025

R.Vijayakumar

... Petitioner

Vs.

1. The Inspector of Police
E-2, Peelamedu Police Station,
Coimbatore, Coimbatore District.

2. R.Karthikeyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 439(2) of Bharatiya Nagarik Suraksha Sanhita, to cancel the anticipatory bail granted to the accused/2nd respondent herein in Crl.MP.No.3509 of 2025 dated 26.08.2025 on the file of Principal Sessions Court, Coimbatore.

For Petitioner : Mr.R.Balasubramanian

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)
for R1

: Mr.G.Harikrishnaa for R2

ORDER



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This Criminal Original Petition has been filed seeking to cancel the anticipatory bail granted to the accused/2nd respondent herein in Crl.MP.No.3509 of 2025 dated 26.08.2025 on the file of Principal Sessions Court, Coimbatore.

2. The learned counsel appearing for the 2nd respondent/accused submitted that the 2nd respondent/accused has borrowed a sum of Rs.10,00,000/- from the petitioner/defacto complainant in the year 2021 and subsequently failed to repay the amount. Hence, FIR was registered. Though FIR was registered, no steps were taken. Hence, the petitioner/defacto complainant has filed a petition before this Court in Crl.OP.No.21597 of 2025, seeking direction of this Court to file final report. Thereafter, the petitioner has approached the Sessions Court and obtained bail. The learned counsel further submitted that there is suppression of fact about the order passed by this Court regarding the direction for completing the investigation.

3. . The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and reported that



investigation in this case is not concluded.

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4. The learned counsel appearing for the second respondent/accused submitted that there is no suppression of fact and on the basis of merits, the bail has been granted and prays to dismiss the petition.

5. I have gone through the order passed by the Sessions Judge and it has been recorded that A1 borrowed a loan of Rs.10,00,000/- from the defacto complainant in the year 2021 and settled part of the amount, by way of cheques and thereafter a complaint has been lodged in the year 2022. It is also recorded by the Court that the matter is purely civil in nature. The matter involves no money transaction and the case is pending for investigation.

6. On careful perusal of the bail order revealed that there are various facts that have been adverted by the learned Sessions Judge including the pendency of this case from the year 2022. Further, non mentioning of the petition filed by the defacto complainant before Court and obtaining order for filing final report is not a valid ground to cancel the bail application since it is the petition filed by the defacto complainant and it is not possible for the



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accused to state the same. Hence, there are no merits in the petition.

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7. Accordingly, this Criminal Original Petition is dismissed.

09.10.2025

Vv

To

1. The Principal Sessions Court, Coimbatore

2. The Inspector of Police
E-2, Peelamedu Police Station,
Coimbatore, Coimbatore District.

3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.

K.RAJASEKAR, J.

Vv



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