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Crl OP No.30101 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.30101 of 2024

1. P.S.Mohammed Afzal
2. Farthatullah

... Petitioners

Versus

State rep by
The Sub Inspector of Police,
Kuniamuthur Police Station,
Coimbatore District.
Crime No.433 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.433 of 2024 on the file of the respondent police.

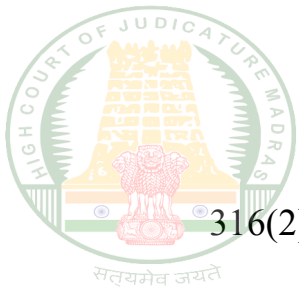
For petitioners : Mr.T.M.Ramalingam

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

For Intervenor : Ms.P.A.Lavanya

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316 @



316(2), 318 @ 318(4) of BNS of 2023 in Crime No.433 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioners and the other accused had business transactions with the defacto complainant and that on the promise of supplying rice and other provisions and had asked the defacto complainant to deposit money on various dates and collected a sum of Rs.67,71,868/- from 07.07.2024 to 17.07.2024.

3. Learned counsel appearing for the petitioner would submit that the petitioners and the defacto complainant had business transactions that the allegations are false and in any case, the custodial interrogation of the petitioners is not required. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that A4, the second petitioner has two previous cases and A3, the first petitioner has no previous cases. Hence, he vehemently opposed for granting of anticipatory bail to the petitioners.



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5. The learned counsel appearing for the Intervenor however submits that it is a clear case of cheating and deception and hence no indulgence should be shown to the petitioners.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and the learned counsel for the Intervenor and perused the materials available on record.

7. The case relates to the allegations of payment of money and non supply of goods. Admittedly, the amounts were deposited on different dates namely 07.07.2024, 12.07.2024, 15.07.2024 and 17.07.2024. It is not in dispute that the petitioners and the defacto complainant had prior transactions. In any case, the allegations are borne out by records. Hence, this Court is of the view that the custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate** -VII, Coimbatore, Coimbatore District, on condition that the



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each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

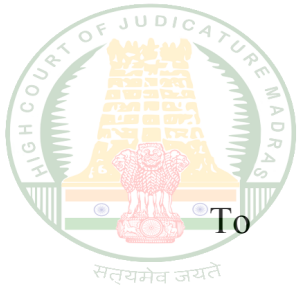
[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners are 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]**;

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

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Vv



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To

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1. The Judicial Magistrate-VII,
Coimbatore and District.
2. The Sub Inspector of Police,
Kuniamuthur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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