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Crl.O.P.No.31899 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31899 of 2024

1.S.Silambarasan

2.Dhayanithi

Petitioners

Vs

The State Rep. by,
Inspector of Police,
Pallikaranai Police Station,
Perumbakkam.
Crime No.422 of 2024.

Respondent

For Petitioners:

Mr.Navaneethakrishnan V

For Respondent:

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.422 of 2024 registered for the offences punishable under Sections 127(2), 296(b), 115(2), 308(2) and 351(3) of BNS, 2023, the present petition has been filed seeking anticipatory bail.



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2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court.

He would submit that the petitioners are the friends of A-1 and A-2. He would submit that the defacto complainant had borrowed money from A-1 and, upon refusing to pay the amount, later, on instigation of A-1, towards interest of the money received, he had paid Rs.1,75,000/-. He would submit that the defacto complainant has given a false complaint, as if, the accused kidnapped him under threat and demanded money. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police,opposing for grant of anticipatory bail, is that,the defacto complainant runs a consulting firm in the name and style of Hari Rhagave Land and Auto Consulting, and A-1 is an Auditor of the consulting firm.While so, the defacto complainant had borrowed a sum of Rs.12 lakhs from A-1.Thereafter, on 10.12.2024, the petitioners along with other accused threatened the defacto complainant to return the borrowed amount, assaulted him and coerced his son-in-law to bring Rs.12lakhs.Subsequently,after receiving the amount, the co-accused transferred



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an amount of Rs.1,75,000/- through G-pay from the defacto complainant's account to his account and also they have not returned the car belongs to the defacto complainant. He would further submit that co-accused/ A-1 and A-2 have been arrested and released on bail.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **II Judicial Magistrate Court, Alandur**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each 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 condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book



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to ensure their identity;

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

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

[d] the petitioners shall not abscond either during investigation or trial;

[e] 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 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]**;

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

02.01.2025

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