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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO. 29420 of 2025

Prakathi
D/o.Thiagarajan

Petitioner

Vs

The State rep. by
The Inspector of Police
CCB, Tiruppur,
Crime No. 23 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest pending investigation in Cr.No.23 of 2025 on the file of the
respondent police.

For Petitioner : Mr.P.Thinesh
For Intervener : Mr.N.Ponraj
For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 316(2) & 318(4) of BNS
in Crime No. 23 of 2025, on the file of the respondent Police, seeks
anticipatory bail.



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2. The allegation against the petitioner is that the petitioner running an Export Company in the name and style of Vizara Apparels Company. The de-facto complainant forwarded three work orders to the petitioner's company and also paid an advance amount of Rs.40,36,200/- to the petitioner's company herein. After receiving money, the petitioner neither has not completed work orders nor returned the amount. When the same was demanded back the money by the de-facto complainant, the petitioner has been criminally intimidated and cheated the de-facto complaint. Hence the complaint.

3. The learned counsel for the petitioner submits that there was some business transactions between the petitioner and the de-facto complainant. The petitioner is doing business for the past three years and she had carried out the contract work worth about Rs.47,70,960/- and also received a sum of Rs.40,36,200/-. In this regard, the petitioner had handed over post dated cheques to the de-facto complainant to repay the aforesaid amount and the cheque was dishonoured. He further submits that the de-facto complainant instead of filing a petition under section 138 of the Negotiable Instruments Act, 1887 for dishonouring the cheque, he has approached this Court by



giving criminal colour, an FIR has been registered by the police. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Counsel for the Intervener/De-facto complainant submits that the petitioner has collected huge amount from the de-facto complainant and the same was not returned back. Therefore, he strongly opposed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that investigation is pending. He further submits that the respondent police registered an FIR against the petitioner recently. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record.



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6. Considering the nature of this case, all the allegations leveled against the petitioner in the FIR, cheque was also issued by the petitioner in favour of the de-facto complainant and the same was also dishonoured, therefore, I am of the view that custodial interrogation is not required in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Tiruppur**, on condition that the petitioner 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:

(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen 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 petitioner 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 petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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)13 SCC 283]**;

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

MSM

10.11.2025



To

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1.The Judicial Magistrate No.II, Tiruppur.

2.The Inspector of Police
CCB, Tiruppur,
Crime No. 23 of 2025.

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

MSM

Crl.O.P.No. 29420 of 2025

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