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Crl.O.P.No.29619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **31-10-2025**

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.29619 of 2025

and CRL MP NOS.20360, 20361, 20362, 20363, 20366, 20367 and 20369 of 2025

Penahas Earnest

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
MGR Nagar Police Station,
Chennai.
(Crime No.72 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.71 of 2025 on the file of the respondent police.

For Petitioner(s)	: Mr. Santhoshkumar Ravi
For Intervenor in Crl.M.P.No.20360 of 2025	: Mr. R. Teja
For Intervenor in Crl.M.P.No.20361 of 2025	: Mr. Asok Prabhakararaja
For Intervenor in Crl.M.P.No.20362 of 2025	: Mr. E. Rajkumar
For Intervenor in Crl.M.P.No.20363 of 2025	: Mr. Lal Devasagayam S.
For Intervenor in Crl.M.P.No.20366 of 2025	: Mr. K. Selvakumar
For Intervenor in Crl.M.P.No.20367 of 2025	: Mr. S. Packiaraj
For Intervenor in Crl.M.P.No.20369 of 2025	: Mr. P. Dhanasekar
For Respondent(s)	: Mr. A. Gopinath
	Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 17.09.2025 for the offences punishable under Sections 316(2), 318(2) of BNS in Crime No.72 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with his wife have involved in job racketing, thereby cheated a sum of Rs.45,41,000/- from the defacto complainant and various other persons under the guise of getting a Government Job in Tamil Nadu Health Department and in Tamil Nadu Electricity Department. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner's wife was running a clinic in the name of Andria Poly Clinic at Jafferkhanpet, Chennai; that the defacto complainant is a medical representative and he is known to the petitioner and his wife during the course of regular business for more than 15 years; that thereby the petitioner and petitioner's wife availed credit service towards supply of medicines through the defacto complainant's employer to the extent of Rs.19,00,000/-; that thereafter, while the defacto complainant insisted the petitioner and his wife to



pay the entire amount, they were not in a position to immediately settle the entire amount to the defacto complainant; that thereafter, the defacto complainant in order to harass the petitioner and his wife, lodged a false complaint with concocted stories and the respondent without proper investigation registered the case on 02.03.2025; that subsequent to the registration of FIR, the petitioner and his wife had entered into a settlement with the defacto complainant on 23.06.2025, thereby a sum of Rs.5,00,000/- was given to the defacto complainant by way of Demand Draft bearing No.437199 of Karnataka Bank, KK Nagar Branch; that thereafter, the said settlement was reduced in writing in which both the parties have endorsed their signature; that while so, the petitioner was arrested and in judicial custody since 17.09.2025 on the basis of false complaint given by the defacto complainant; that the co-accused, who is the wife of the petitioner was granted anticipatory bail by this Court, vide order dated 24.09.2025 in Crl.O.P.No.26283 of 2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned counsels for the intervenors raised strong objection for grant of bail to the petitioner by stating that the petitioner and his wife had



cheated a sum of Rs.45,41,000/- from the defacto complainant and other 14 victims under the guise of getting them Government Job.

5. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the investigation of this case is pending.

6. I have heard the submissions made on both sides and perused the materials available on record:

7. This Court, while considering the anticipatory bail application to the co-accused, who is the wife of the petitioner herein in Crl.O.P.No.26283 of 2025 dated 24.09.2025, has held in paragraph No.7 as follows:

"7. On perusal of records, it is seen that the petitioner who is running Andria Poly Clinic at Jaffer Khanpet, Chennai had received only a sum of Rs.19,00,000/- as hand loan from the defacto complainant in the year 2015 and subsequently, she paid a sum of Rs.5,00,000/- to the defacto complainant vide D.D.No.437199 of Karnataka Bank, K.K.Nagar Branch, dated 09.06.2025 and the balance amount of Rs.14,00,000/- would be paid as per the agreement entered into between the parties dated 23.06.2025. After registration of FIR, a compromise had entered into between the parties, wherein, it has been recorded that a sum of Rs.10,00,000/- has been paid by the petitioner herein to the defacto complainant and the same was also suppressed by the defacto complainant, a false complaint has been lodged by the defacto complainant against the petitioner herein. Therefore, I am



of the view that custodial interrogation is not required in this case."

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8. Considering the aforesaid facts, taking note of the period of incarceration undergone by the petitioner and since further custodial interrogation of the petitioner is not necessary for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Principal Sessions Judge, Chennai** and on further conditions that:

[a] 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;

[b] **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. Further, the petitioner is directed to comply with the conditions earlier entered into an agreement between the parties dated 23.06.2025.**



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[c] 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];

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

10. Accordingly, this criminal original petition and connected criminal miscellaneous petitions are ordered.

31.10.2025

stn

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



Crl.O.P.No.29619 of 2025

- To
1. The Principal Sessions Judge,
Chennai.
 2. The Inspector of Police,
MGR Nagar Police Station,
Chennai.
(Crime No.72 of 2025)
 3. The Superintendent,
Central Prison, Puzhal, Chennai.
 4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

stn

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