



CrI.OP.No. 30818 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 30818 of 2025

A. Mario Dominic

Petitioner

Vs

The State rep. by

The Inspector of Police
Adambakkam Police Station,

Chennai,

Crime No. 405 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 Crime No. 405 of 2025 on the file of the respondent police.

For Petitioner	: Mr.H. Manivannan
For Intervener	: Mr.M.D. Thirunavukkarasu
For Respondent	: Ms.J.R.Archana,
	Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 406 of IPC in Crime No.405 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 promised to provide software for the purpose of business activities of the de-facto complainant and after collecting advance payments, provided a test file, which was also utilised by the de-facto complainant nearly 23 months. Even after intimation, the petitioner herein has not come forward to complete the software contract, allegedly cheated the de-facto complainant to the tune of Rs.23,56,714/-. Hence the case.

3. The learned Counsel for the petitioner submits that already there was an agreement between the parties for supply and maintenance and other miscellaneous issues and the petitioner has also approached the MSME Counsel for arbitration of the issue. However, the Counsel has refused to entertain this petition and rejected the same. The de-facto complainant has chosen to file a criminal complaint for recovery of money from the petitioner herein. However, the petitioner is ready to abide any condition imposed by this Court and he prays for grant of anticipatory bail to the petitioner.



4.Mr.M.D. Thirunavukkarasu, learned Counsel appearing for the

Intervener/De-facto complainant submits that the petitioner has collected a sum of Rs.23,56,714/- for the development and supply of software for the purpose of the de-facto complainant's business development, and subsequently, the petitioner has also collected maintenance charges of Rs.25,000/- per month for 23 months and in spite of regarding the dissatisfaction memo, the petitioner herein has not come forward to supply the software as promised by him and since the intention to cheat the de-facto complainant from the inception is established, if anticipatory bail is granted to the petitioner, he would hamper the witnesses. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent, reiterated the prosecution case and submits that the FIR was registered recently and investigation is pending. He opposed for grant of anticipatory bail to the petitioner.

6.I have also gone through the FIR and other connected materials.



Admittedly, it is a case of an agreement to supply software that was entered into between the parties. Further, the de-facto complainant has already approached the felicitation [MSME] counsel for arbitration of the matter, and it was also not resolved by the counsel. Thereafter, the de-facto complainant has approached the police for a criminal complaint. Hence, I am of the view that all the allegations are borne out from the records, and the custodial interrogation of the petitioner is not necessary, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is 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 made ready, before the learned **Judicial Magistrate No.II, Alandur, Chennai**, on condition that the petitioner shall execute 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 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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.

18.12.2025

MSM

To
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1. The Judicial Magistrate No.II, Alandur, Chennai.

2. The Inspector of Police
Adambakkam Police Station,
Chennai, Crime No. 405 of 2025

3. The Public Prosecutor, High Court of Madras.



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K.RAJASEKAR, J.

MSM

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