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Crl.O.P.No.32698 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

**THE HONOURABLE MR JUSTICE K. RAJASEKAR**

**CRL OP NO.32698 of 2025**

1. P. Sumathi
2. P. Parthipan

... Petitioners/ Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Sankari Police Station,  
Salem.

(Crime No.476 of 2025)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent in Crime No.476 of 2025 on the file of the respondent police.

For Petitioners : Mr. Karthik Raja

For Respondent : M/s. J.R. Archana  
Government Advocate (Crl.Side)

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## **ORDER**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC/ Section 318 of BNS in Crime No.476 of 2025 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners herein along with other accused cheated a sum of Rs.1,86,00,712/- by way of purchasing materials from the defacto complainant's enterprises namely “Shanthi Enterprises” on credit basis; that subsequently, they failed to repay the amount. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and the dispute is purely civil in nature; that the defacto complainant had already initiated Pre-Institution Mediation under the Commercial Court Act, but failed to participate in the said mediation proceedings and the same was closed, however, the defacto complainant lodged a false complaint thereby giving



criminal colour to a civil dispute; that the co-accused were already granted anticipatory bail by this Court in Crl.O.P.No.31050 of 2025; and that the petitioners are ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the anticipatory bail to the petitioners reiterated the prosecution case and submitted that there are totally four accused involved in this case and the petitioners are arrayed as A3 and A4; and that the investigation of this case is pending.

5. Considering the submissions made on both sides, facts and circumstances of this case, nature of allegation, the fact that the similarly placed co-accused were already granted anticipatory bail and since custodial interrogation of the petitioners is not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the 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 made ready, before the **Judicial Magistrate Court No.I, Sankari** on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two 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



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law as if the aforementioned 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)13 SCC 283]**;

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

**01.12.2025**

stn

To

1. The Judicial Magistrate No.1,  
Sankari.
2. The Inspector of Police,  
Sankari Police Station,  
Salem.  
(Crime No.476 of 2025)
3. The Public Prosecutor,  
High Court of Madras.



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**K. RAJASEKAR, J.**

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