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Crl.O.P.No.3386



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.33864 of 2025

1.Dhivakaran @ Diwakar
2.Nagamany
3.Arul

... Petitioners

-VS-

State Rep by,
The Inspector of Police
Thirubuvanai Police Station,
Puducherry District.
(Crime No.47 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, pleaded to
enlarge the petitioner on bail in the event of their arrest in Crime No.47 of 2025
pending investigation on the file of the respondent police.

For Petitioners : Mr.C.R.Gokulvisvas

For Respondent : M/s.J.R.Archana

Government Advocate (Crl.Side)



ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 34, 380, 420, 448 and 506(ii) of IPC in Crime No. 47 of 2025, seeks anticipatory bail.

2. The allegation against the petitioners is that the petitioners are having a two wheeler showroom and they have also sold the two wheeler to the defacto complainant by granting a hire-purchase loan. While the defacto complainant had parked his vehicle in his house, the petitioners went there and taken away the vehicle along with cash of Rs.20,000/-, which was kept in the two wheeler along with other connected materials. Hence the case was registered.

3.The learned counsel for the petitioners submitted that the defacto complainant in this case is a practicing advocate and he defaulted on the loan, hence, a recovery agent went there and brought back the vehicle; there is no material in the FIR stating that the vehicle was available to the petitioners for sale and subsequently the petitioners also sold the property. The entire occurrence was taken place in the month of April 2023, hence custodial interrogation is not necessary. Hence, he prays for grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation in this case is pending. Hence, opposed for grant of bail to the petitioners.



5. Considering the fact that it is a case of default in a hire-purchase loan and that the vehicle was taken possession by the financiers and that the occurrence was taken place in the year 2023, I am 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 (15) days from the date on which the order copy made ready, before the **learned Judicial Magistrate-IV, Puducherry**, on condition that **the petitioner 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 learned Magistrate concerned, and on further condition:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;



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(c) The petitioners shall report before the respondent police everyday 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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions 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 v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11.12.2025

mpa

To

- 1.The Judicial Magistrate-IV, Puducherry.
- 2.The Inspector of Police
Thirubuvanai Police Station,
Puducherry District.
- 3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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