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CRL O.P. No.35505 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP.No.35505 of 2025

M.Alavudeen

... Petitioner

Vs

The State Rep. by
Inspector of Police,
Ramanathapuram Police Station, Coimbatore District.
(In Crime No. 488 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under 483 of BNSS Act, 2023
to enlarge the Petitioner on bail in Crime No. 488 of 2025 pending on the
file of the Respondent Police.

For Petitioner : Mr.SMA Jinnah
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners/Accused, who was arrested and remanded to
judicial custody on 20.11.2025 for the offence punishable under Section
316(2), 318(4) of BNS in Crime No.448 of 2025 on the file of the
respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is



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running a whole sale and retail business of dry fruits. While so, the defacto complainant's company received a phone call from ABM Traders, owned by one Abuthahir, requesting to supply 5 tonnes of cashew nut and they will pay the amount after receiving the goods. Believing their words, the defacto complainant's company supplied cashew nut to the value of Rs.16,22,500/- to the above said company. However, the said Abuthahir has only made part payment of sum of Rs.11,45,000/- and the remaining amount of Rs.4,77,500/- has not been paid. Hence the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and has not committed any offence. He would further submit that the petitioner was arrested and is in judicial custody from 20.11.2025. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner has cheated the defacto complainant by not paying a sum of Rs.4,77,500/-. He would further submit that the investigation is still pending. Hence, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record



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including the First Information Report.

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6. Considering the rival submissions made by the learned counsel on either side, the nature of the offence, and no previous case is reported against the petitioner and also considering the period of his incarceration, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties**, each for a like sum to the satisfaction of the Judicial Magistrate Court No.6, Coimbatore and on further conditions that:-

[b] the petitioner shall report before the respondent police daily at 10.30 a.m.until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of

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the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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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.

To

- 1.The Judicial Magistrate Court No.6,
Coimbatore.
- 2.The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL,J.

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