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Crl.O.P.No.35761 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.35761 of 2025

1.Jaganathan
2.Lilly

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Selaiyur Police Station,
Chengalpattu District.
(Crime No.461 of 2025)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.461 of 2025 on the file of the Inspector of Police, Selaiyur Police Station, Chengalpattu District.

For Petitioners : Mr.C.D.Sugumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners / accused, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 316(2), 318(4) & 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.461 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a dall merchant, the petitioners got acquainted with him inducing that they would start SPA business and cheated him to the tune of Rs.42 lakhs and they have neither started SPA business nor repaid the money. Hence the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are an innocent person, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizen and they are ready and willing to furnish substantial sureties and to abide by any conditions that may be imposed by this Court; therefore, he prayed to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the

respondent police submitted that the petitioners have cheated the defacto complainant by inducing him to invest Rs.42 lakhs to start SPA business and cheated him. He added that the petitioners have no previous case pending against them. However, he vehemently opposed the grant of anticipatory bail to the petitioners.

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

6. Considering the nature of offences, and there is a business transaction between the parties and no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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 was made ready, before the learned **Judicial Magistrate No.II, Tambaram**, on condition that the petitioners shall execute a **separate** bond for a sum of **Rs.10,000/-**

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(Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders for interrogation;

[b] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the prior permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].



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

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dna/kas

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 official website of this Court will be watermarked and will also have a QR code.

Copy to:

1.The Judicial Magistrate Court No.II
Tambaram.

2.The Inspector of Police,
Selaiyur Police Station,
Chengalpattu District.
(Crime No.461 of 2025)

3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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