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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.5307 of 2025

Najumudeen ... Petitioner/Accused No.1

Vs.

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
District Crime Branch,
Trichy,
Trichy District.
Crime No.74 of 2024. ... Respondent/Complainant

For Petitioner : Mr.R.Sundar,
Advocate.
For Respondent : Mr.S.Prakash,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.74 of 2024 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 61 and 316(2) of BNS, 2023 in Crime No.74 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons did not supply steel box columns after getting the raw materials from the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that as per the contract only the defacto complainant and the petitioner entered into the said supply of steel box columns agreement. Since there is an arbitration clause, the matter has been referred to an arbitrator and an Arbitration Petition No.28005 of 2024 is also pending before the Bombay High Court. Hence, he seeks anticipatory bail.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioner/A1 along with other accused persons did not supply steel box columns after getting the raw materials from the defacto complainant, worth Rs.2,00,82,491/-. He fairly concedes that the custodial interrogation of the petitioner is not necessary and he is cooperating for the enquiry and he has raised only formal objections.

5. Taking into consideration of the facts and circumstances of the case and also considering the fact that the date of complaint is 17.10.2024 and by this time, most of the investigation might have been completed and the offence is civil in nature and also taking into the fact that the defacto complainant has already initiated arbitration proceedings before the Bombay High Court in Arbitration Petition No.28005 of 2024 and the petitioner has also received the summon, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Trichy on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction

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of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Trichy. If the petitioner changes his residential address, he shall report the same to the concerned Court.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., until further order.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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 petitioners are 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]; and

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(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
03/06/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
1. THE JUDICIAL MAGISTRATE NO.I,
TRICHY.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY,
TRICHY DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.SUNDAR, Advocate (SR-5894[I] dated 04/06/2025)

ORDER
IN
CRL OP(MD) No.5307 of 2025
Date :03/06/2025

HPS/19.06.2025 /5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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