



CRL OP (MD) No.7911 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Imran Khan

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
District Crime Branch,
Trichy District.
Crime No.82 of 2024

... Respondent/Complainant

For Petitioner : Mr.M.Arun Prakash,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.82 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.04.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying
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to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 01.04.2025 for the alleged offences punishable under Sections 420 and 406 of Indian Penal Code, 1860 in Crime No.82 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Managing Director of a manufacturing company of aluminium foil containers named M/s.Visoka Engineering Private Limited, Chennai. They placed two orders with M/s. Econex Products India Pvt. Limited, Lalgudi, Trichy, of which the petitioner (A1) is one of the Directors, for the supply of aluminium foils. For this purpose, the defacto complainant paid a sum of Rs.35,10,000/- as advance. Thereafter, the petitioner and the other accused did not supply the material. Whenever the defacto complainant requested for delivery, the accused evaded him. When the defacto complainant visited the office of the accused persons at Lalgudi, it was found closed. Upon visiting their residence, the father of the accused persons refused to allow him inside and allegedly threatened to lodge a police complaint against him. In 2023, the defacto complainant finally met A2, who promised to repay the advance amount. However, even thereafter, the accused persons neither returned the



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advance nor supplied the material. Accordingly, the petitioner (A1), along with A2, is alleged to have cheated the defacto complainant. Hence, the case.

4. Mr.M.Arun Prakash, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He further submits that the petitioner has filed an undertaking affidavit enclosing the details of his properties. He further submits that the petitioner has been in judicial custody since 01.04.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner, along with A2, cheated the defacto complainant by receiving an advance amount of Rs.35,10,000/- under the pretext of supplying aluminium foils. He further submits that the investigation in this case is not yet complete, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, thereby causing delay in the investigation. He prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. The petitioner was arrested on 01.04.2025 and has been in judicial custody since then. A perusal of the First Information Report reveals that the dispute

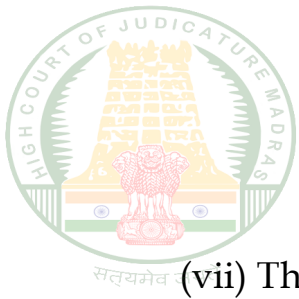


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between the defacto complainant, the petitioner, and the other accused person, is civil in nature. To be noted, the above view is recorded only for the purpose of deciding this bail petition and would not, in any way, cause any prejudice to the rights of the prosecution in establishing its case during the trial. Further, the petitioner has filed an undertaking affidavit, inter alia, furnishing the details of the properties owned by him. In view of the facts and circumstances, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

- (i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Trichy;
- (ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Trichy shall obtain a copy of any one of identity proofs to ensure their identity;
- (iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Trichy;
- (iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Saturday and Sunday at 10.00 a.m. until further orders;
- (v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;
- (vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;



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(vii) The petitioner 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; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Trichy is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
29/04/2025

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02/05/2025
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 DISTRICT.
- 4 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISION, TRICHY.



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

+1 CC to M/s.M.ARUN PRAKASH, Advocate (SR-5071[I] dated 29/04/2025)

ORDER
IN
CRL OP(MD) No.7911 of 2025
Date :29/04/2025

NBF/SAR/02.05.2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023