



CRL OP(MD)No.9850 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 16/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.9850 of 2025

Kasiviswanathan @ Kasi Viswanathan

...Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu rep.by,
The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
(Crime No.568 of 2024)

...Respondent/ Complainant

For Petitioner : Mr.R.Anand
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.568 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under section 420 of IPC, in Crime No.568 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a disabled person and the petitioner and his brother/Accused No.2 moved closely with the defacto complainant and had been helping him in various ways. Further, the petitioner by saying that he is preparing for the IAS Examination and on 21.03.2023, the petitioner received a sum of Rs.5,10,000/- and 5 sovereigns of gold chain from the defacto complainant. Subsequently, he protracted the repayment of the loan and return of the gold chain and cheated the defacto complainant. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner submits that the defacto complainant is a neighbour of the petitioner and from 2019 to 2023, on various occasions, the petitioner has borrowed a sum of Rs.5,10,000/- in order to meet out family contingency and further obtained 5 sovereigns of gold chain to meet out



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educational expenses, for which, the petitioner executed a pro-note and put his signature in the Rs.100/- Stamp paper and the same was also handed over to the defacto complainant. Since the petitioner has not returned the amount and jewels, the defacto complainant gave a complaint before the police. The said complaint was enquired by the respondent police and the petitioner has appeared and promised to return the amount and jewels before 30.04.2024. But the defacto complainant gave a complaint before the Assistant Superintendent of Police to direct the respondent police to register the FIR, and the same has not taken place, he approached the Sub Collector and presented a very same complaint. Based on which, on 17.08.2024 enquiry was conducted and the respondent police have not registered the F.I.R. and directed the defacto complainant to go and approach the civil Court. But he has lodged a complaint before the Superintendent of Police, Tirunelveli, which was forwarded to the respondent police and the present FIR was registered. He would further submit that this is the third application for anticipatory bail and the earlier applications for anticipatory bail were dismissed as withdrawn by this Court on 24.10.2024 and 25.11.2024 respectively. This is purely a civil dispute and Section 420 of IPC is not attracted and the petitioner has also filed a petition in Crl.O.P(MD) No.2493 of 2025 to quash the F.I.R. and notice was also ordered to the defacto complainant. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent police submits that there are totally two accused in this case, in which the petitioner is arrayed as Accused No.1. The accused persons are brothers and they helped the defacto complainant, who is blind, in various ways. Taking advantage, the petitioner obtained a sum of Rs.5,10,000 and 5 sovereign gold chain from him, saying that he is preparing for IAS Examination, but has not returned and has cheated the defacto complainant. He would further submit that this is the third application for anticipatory bail and the earlier applications for anticipatory bail were dismissed as withdrawn by this Court on 24.10.2024 and 25.11.2024 respectively and the petitioner is having one previous case. Hence, he objected to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also taking note of the fact that the case is civil in nature and the alleged occurrence taken place in the year 2019 and that the date of registration of F.I.R is 27.09.2024 by this time most of the investigation might have been completed, and taking note of the fact that the petitioner has already filed a petition in Crl.O.P(MD)No.2493 of 2025 to quash the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner, subject to



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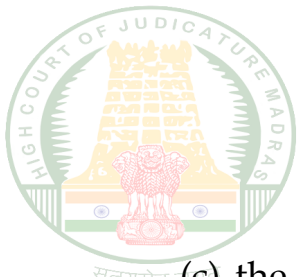
certain conditions.

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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, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Nanguneri, Tirunelveli District, 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall furnish his residential address and contact number to the the learned Judicial Magistrate, Nanguneri, Tirunelveli District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Nanguneri, Tirunelveli District;



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(c) the petitioner shall appear and sign before the respondent police daily at 10.00 a.m., until further orders

(d) the petitioner shall not tamper with 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 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] and;

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

sd/-
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/08/2025

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



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TO

- 1.The Judicial Magistrate,
Nanguneri, Tirunelveli District.
- 2.Do Through The Chief Judicial
Magistrate, Tirunelveli district.
- 3.The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.9850 of 2025
Date :16/07/2025

PR/06.08.2025 7P/5C

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