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CRL OP No. 5538 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5538 of 2026

Alavudeen

..Petitioner

Vs

1. The State of Tamilnadu,
represented through
The Inspector of Police,
Ramanathapuram P.S
Coimbatore. (Crime No.519/2025)
2. The State of Tamilnadu, represented through
The Inspector of Police, CBCID Police,
Coimbatore.
(Crime No.12/2026)

..Respondents

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.12 of 2026 on the file of the second respondent Police.

For Petitioner: Mr.S.M.A. Jinnah

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.11.2025 for the alleged offences under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 in Crime No.12 of 2026 on the file of the second respondent police, seeks bail.



2. The case of the prosecution is that the defacto complainant supplied corn to ABM Traders after placing orders through the accused. It is alleged that the accused paid only part of the amount and failed to pay the remaining amount, thereby cheating the complainant.

3. The learned counsel appearing for the petitioner submitted that the present case arises out of a business transaction and the petitioner has been falsely implicated. He submitted that the petitioner has no nexus with ABM Traders, which was run by A1 and all business documents stand in the name of A1. It is further submitted that A1 had borrowed money from the petitioner for running the business and only after the arrest of A1 the petitioner came to know about the fraudulent activities and lodged a complaint before the respondent police. It is also submitted that the petitioner has already been granted bail by this Court in Crl.O.P.No.35505 of 2025 on 30.12.2025. Hence, he prayed for bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the accused purchased goods from the defacto complainant and paid only part of the sale consideration and the remaining amount was not paid. Hence, he opposed the grant of bail.



5. This Court has considered the submissions made on either side. From the materials placed before this Court, it appears that the dispute arose out of a commercial transaction. It is also brought to the notice of this Court that the petitioner has already been enlarged on bail by this Court in Crl.O.P.No.35505 of 2025 on 30.12.2025 in respect of a similar case. Taking into consideration the period of incarceration and the fact that custodial interrogation is no longer required, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the **learned Judicial Magistrate No.6, Coimbatore** and subject to the following conditions:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police twice a day at 10.30 a.m. and 05.30 p.m. for a period of one month and thereafter appear before the respondent police at 10.30 a.m. for a further period of two weeks and as and when required for interrogation;



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

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

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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 No.6, Coimbatore
- 2.The Inspector of Police, Ramanathapuram Police Station, Coimbatore.
3. The Inspector of Police, CBCID Police, Coimbatore.
3. Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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