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CRL OP No. 6254 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6254 of 2026

P.Sakthivel
S/o.Palaniappan,
4/52, Sarvoyputhur,
Arthur Taluk,
Vadakumarai,
Salem - 636 121

..Petitioner(s)

Vs

State Rep.by, The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime N0.393/2025)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the Petitioner on Anticipatory Bail in the event of his arrest in Crime No.393 of 2025 on the file of the Respondent Police.

For Petitioner(s): C.Vigneshwaran

For Respondent(s): Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Section 420 of IPC in Crime No.393 of 2025 on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that the defacto complainant had purchased the car from one Sakthivel by paying Rs.2.5 lakhs and the remaining amount of Rs.2 lakhs was given as balance to Sakthivel. Subsequently, Sakthivel took away the car which he had already sold to the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation in this case is pending and there is no previous case pending against the petitioner. Hence, opposed to grant anticipatory bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. From the submissions made by the Government Advocate (Crl.Side), the prosecution case is that the defacto complainant had purchased the car from one Sakthivel by paying Rs.2.5 lakhs and the remaining amount of Rs.2 lakhs



was given as balance to Sakthivel. Subsequently, Sakthivel took away the car which he had already sold to the defacto complainant. The said contention was totally objected by the learned counsel for the petitioner, who argued that there was a loan transaction between the petitioner and the defacto complainant, and since there is a delay in repaying the loan, the present complaint has been filed.

7. While looking at the FIR, which was registered on 17.11.2025, the learned Government Advocate (Crl.Side) would submit that the police issued summons under sections 179 and 94(1) of BNSS Act on 01.03.2026, whereas the petitioner refused to appear before the police.

8. Though the said submissions were made by the learned Government Advocate (Crl.Side), from the perusal of the FIR, the entire transaction revolves around money transactions. In view of the factual position, this Court is of the view that no custodial interrogation of the petitioner is required; hence, this Court would like to enlarge the petitioner on anticipatory bail, subject to certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate Court-I, Attur**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**,



for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police everyday at 10.30 a.m., and 05.30 p.m., until further orders and co-operate with the summons. If the petitioner does not co-operate with the summons, the respondent police may proceed in accordance with law.

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

MPA

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To

1. The Judicial Magistrate Court-I, Attur.

2. The Inspector of Police,
Attur Rural Police Station,
Salem District.

(Crime N0.393/2025)

3. The Public Prosecutor
High Court of Madras,
Chennai.



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C.KUMARAPPAN, J.

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