



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13535 of 2026

Don Bosco

32, Nehru Street, Mummorthy Avenue,

Kasbapuram,

Kancheepuram

..Petitioner(s)

Vs

State represented by

The Special Sub-Inspector of Police,

Pallikaranai P.S.,

Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of BNSS, praying to enlarge the petitioner on bail in the event of arrest in connection with Crime No.364 of 2024 on the file of the respondent Police.

For Petitioner(s): Mr.P.Sanjai Gandhi

For Respondent(s): Mr.N.Palanivel,
Government Advocate (Crl. Side)

For Intervener(s): Mr.K.Suresh Kumar

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 of Indian Penal Code, in Crime No.364 of 2024, seeks anticipatory bail.



2. The case of the prosecution is that both the petitioner and the defacto complainant were employed at Vatech Wabag Limited, Radial Road, Thoraippakkam. During August, 2022, the petitioner's mother fell seriously ill and therefore, he borrowed a sum of Rs.7 lakhs from the defacto complainant for her medical treatment. As security for the said loan, he issued three cheques and also pledged his 22 grams of gold chain. Though the petitioner agreed to repay the loan amount in monthly instalments, he failed to do so and the cheques issued by him were dishonoured upon presentation. Thereafter, he stopped attending work, switched off his mobile phone and his residence was found locked. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he 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 counsel for the intervener, opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that though the names of other legal heirs are referred to and they were mentioned as



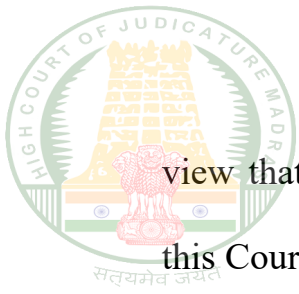
pre-deceased. Hence, he opposed to grant anticipatory bail to the petitioner.

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6. Heard the learned counsel for the petitioner, intervenor and the learned Government Advocate (Crl.Side) for the respondent.

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

8. From the submissions on either side, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the dispute arises out of a monetary transaction between the defacto complainant and the petitioner. According to the prosecution, the defacto complainant had advanced certain sums of money to the petitioner, who failed to repay the same, and the cheque issued by him towards repayment was also dishonoured. It is the specific submission of the learned counsel for the intervenor is that despite having received the amount, the petitioner has been evading the defacto complainant and has caused a loss to the tune of Rs.10,00,000/- and 22 grams of gold. Though, there was an allegation of cheating, on perusal of the FIR, it is found that the transaction pertains to a loan advanced by the defacto complainant to the petitioner during the period between 26.08.2022 and 02.01.2023. The FIR however, came to be registered only on 21.06.2024. In such circumstances, considering the nature of the dispute and the lapse of time, this Court is of the



view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail.

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9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.2, Alandur, 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:

(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. for a period of four weeks and thereafter as and when required for interrogation;

(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.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AH

To

- 1.The Special Sub-Inspector of Police,
Pallikaranai P.S.,
Chennai.
- 2.The Judicial Magistrate No.2,
Alandur.
- 3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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