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CRL OP No. 17631 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 17631 of 2026

Rajesh @ Ganapathy Dhuruva Avro

..Petitioner

Vs

The State,
Rep. by the Inspector of Police,
T1 Tambaram Police Station,
Tambaram, Chennai – 600 045.
Crime No.24 of 2026.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the petitioner on anticipatory bail in the event of his arrest in respect of Crime No.24 of 2026 on the file of the respondent, pending investigation.

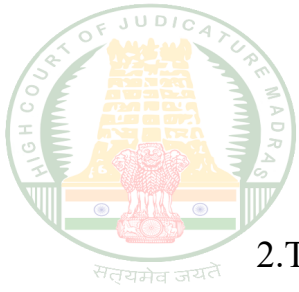
For Petitioner : Mr.S,Sai Shankar

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

For Intervener : Mr.D.Alexis Sudhakar

ORDER

The petitioner, who apprehends arrest for the alleged offence punishable under Section 316(2) and 318(4) of BNS, 2023 in Crime No.24 of 2026, on the file of the respondent police seeks anticipatory bail.



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2.The learned counsel for the petitioner filed an affidavit stating that the name of the petitioner has been wrongly typed in the petition as ‘Rajesh @ Ganapath Dhuruv Aruv’ instead of ‘Rajesh @ Ganapathy Dhuruvan Avro’. The Registry is directed to carry out necessary amendment in the petition and issue an order copy.

3. According to the prosecution case, the petitioner has received a sum of Rs.82,00,000/- from the defacto complainant for high returns namely, 30% share in the profit. However, the petitioner neither return the borrowed amount nor paid any profit. Hence, the present complaint came to be registered against him on 24.01.2026 for an occurrence that had taken place between 28.02.2025 to 03.09.2025.

4.The learned counsel for the petitioner would submit that this petitioner is arrayed as A2 and A1 was already enlarged on anticipatory bail. The Court below has dismissed the application of this petitioner without taking into consideration of granting of anticipatory bail to co-accused in Crl,M.P.No.650 of 2026 dated 17.03.2026. It is the contention of the learned counsel for the petitioner that, at the time when the petitioner moved anticipatory bail application before the Court below, he was not aware of the enlargement of A1 and the same was not brought to the knowledge of the Court below. Therefore,



the petitioner is also seeks parity as that of A1. He would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

He has nothing to do with the alleged offence. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the defacto complainant would oppose the petition and would contend that the entire transaction is known to the petitioner and the monies were transferred to the company's account. He would further contend that unless the petitioner is secured, it would become difficult to find out the layering of the money and the said submissions were also reiterated by the learned Government Advocate (Crl. Side) appearing for the respondent.

6. I have given my anxious consideration to the submissions made by the learned counsel on either side.

7. The main contention put forth by the learned counsel for the petitioner counsel is with respect to parity. While looking into the order of the 1st accused, the learned Principal District and Sessions Judge, Chengalpet, after elaborately discussing the factual aspect, in paragraph No. 9, had observed as follows:



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“9.From the perusal of records and from the both sides submissions, it is seen, out of the disputed amount of Rs.82,00,000/- a sum of Rs.8,77,000/- has been paid by cash and the remaining major portion of amount has been paid through bank transactions and the dispute appears to be the difference of assured profits. Though the learned counsel for the intervenor claimed that the petitioner/accused evaded the enquiry, it is submitted and admitted by the learned Public Prosecutor that summons were issued to the petitioner and she attended the enquiry twice before the investigating officer. Since the transactions are through bank accounts, there is no possibility of tampering the witnesses and evidences. Taking into consideration the nature of allegations levelled against the petitioner, remittance of Rs.1.30 Crores pleaded by the petitioner towards refund, the dispute seemed to be of civil in nature, already the petitioner appears to have attended the enquiry before the investigating officer, since the transactions are through bank, there is no possibility of tampering the witnesses and evidences and also considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.”

8. In this case, the main contention of the petitioner is parity. No doubt, when A1 against whom, the money transaction was alleged was released on anticipatory bail on the ground that the transaction between the defacto complainant and the accused appears to be civil in nature, this petitioner is also stands on the same footing. Therefore, as rightly contended by the learned



counsel for the petitioner, the petitioner is entitled to parity as that of the 1st accused.

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9. As rightly submitted by the learned counsel for the petitioner, the enlargement of A1 was not brought to the knowledge of the Court below. Only in that context, the Court below has dismissed the anticipatory bail application of the petitioner. Now, this Court has been brought to the knowledge of the enlargement of the co-accused.

10. In such view of the circumstances, this Court would like to extend parity to this petitioner and this Court is of the firm view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions.

11. Accordingly, the petitioner is ordered to be released on anticipatory 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 – II, Tambaram, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand



dismissed and on further conditions that:

[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 suretyship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

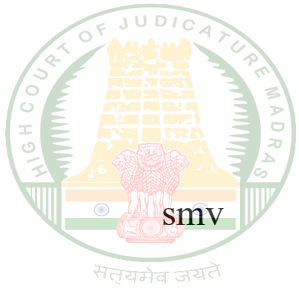
[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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]**;

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.



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To

1. The Judicial Magistrate – II, Tambaram.
2. The Inspector of Police,
T1 Tambaram Police Station,
Tambaram, Chennai – 600 045.
3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

smv

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