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CRL OP No. 20129 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 20129 of 2026

A.Karthik

..Petitioner(s)

Vs

The State Rep. by, The Sub Inspector of Police
District Crime Branch, Erode.
Crime No.9 of 2025.

..Respondent(s)

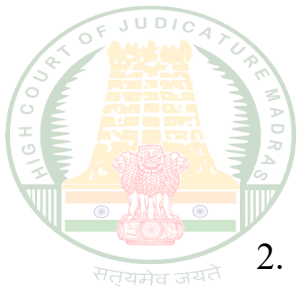
PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the Petitioner on bail in the event of his arrest in Cr.No.9 of 2025 pending on the file of the Respondent Police and thus render justice.

For Petitioner(s): Saivathshan M R

For Respondent(s): Ms.R.S.Indira
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 120(B), 408 and 420 of IPC in Crime N0. 9 of 2025 on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that the petitioner along with other accused conspired together and cheated the defacto complainant to the tune of Rs.44,13,979/- Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. The learned counsel for the petitioner submitted that the occurrence took place during January 2024 to August 2024. It is also the submission of the petitioner that based upon the complaint given by one of the depositors, the petitioner was remanded to judicial custody in Crime Number. No.137 of 2025. Later on, he was enlarged on bail by the lower Court. However, the finance company in which he has served as an employee has filed an application before the learned Magistrate for registration of the FIR. Only based upon such direction, the FIR came to be registered and the petitioner having already suffered incarceration in the very same occurrence, his custodial interrogation is not at all required for the purpose of investigation. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted there are totally four accused in this case and this petitioner has been arrayed as A3. She submits that the petitioner along with other accused conspired together and cheated the defacto complainant. Hence, she opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the facts and circumstances of the case, taking note of the submissions made by the learned counsel on both sides, though the learned Government Advocate (Crl.side) objects this application, he has not seriously disputed the factual position in respect of registration of earlier FIR in Crime Number.137 of 2025. However, he would contend that the said FIR came to be registered based on the complaint given by employer of the petitioner. Therefore, unless the petitioner has taken custody, it is difficult to get back the amount. Though the submissions of the learned Government Advocate (Crl.Side) cannot be overlooked, considering the fact that the petitioner was already remanded to judicial custody in previous FIR registered based on the



complaint given by individual depositor and the present complaint came to be registered only during 2025, that too based upon the direction issued by learned Magistrate and the occurrence was between January 2024 to August 2024, at this length of time, the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. 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-2, Erode** 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;



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(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two 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.

28-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NR

To:

1. The Judicial Magistrate-2, Erode.

2. Inspector of Police,
Katpadi Police Station,
Vellore District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN, J.

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