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Crl.O.P.No.109 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.109 of 2025

Sakthivel

... Petitioner/A1

Vs.

State, Rep. by Inspector of Police
Singanallur Police Station,
Coimbatore City.
(Crime No.610 of 2024)

... Respondent/complainant

Visalakshmi

... Intervenor/Defacto complainant

[Defacto complainant permitted to intervene, as per the orders of this Court [SMJ] dated 07.03.2025 in Crl.MP No.1423 of 2025]

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.610 of 2024, on the file of the respondent Police.

For Petitioner : Mr.Narayana Prasadh

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

For Intervenor : Mr.L.Mouli

ORDER

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC in Crime No.610 of 2024, on the file of the respondent police, seeks anticipatory



bail.

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2. (i) The case of the prosecution is that the petitioner was a tenant under the defacto complainant for the past 25 years; that he is known to the defacto complainant and therefore, due to that relationship, he had gained the confidence of the defacto complainant and was operating the bank accounts and locker of the defacto complainant.

(ii) It is the further case of the defacto complainant in the FIR that on 30.11.2024, when the defacto complainant asked for money from the petitioner, he had stated that there is no money left in the bank and hence, the defacto complainant had lodged the instant complaint stating that the petitioner had taken away the money from his account and also the jewels from the bank locker.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that the alleged misappropriation is said to have been taken place in 2014 and absolutely there is no basis for the said allegation; that there is nothing on record to show that the money was withdrawn by the petitioner from the account of the defacto complainant; that the jewels from the locker was taken by the defacto complainant herself as early as in the year 2010; and that in any case, custodial interrogation is not required for the purpose of



investigation and hence, prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant however vehemently opposed the grant of anticipatory bail and submitted that the custodial interrogation of the petitioner is required since the petitioner has committed misappropriation to the tune of Rs.4 Crores and taken away jewels to the extent of 200 sovereigns.

5. The learned Government Advocate (Crl.Side) appearing for the respondent, reiterated the prosecution case and on instructions submitted that the investigation so far reveals that no money was transferred from the defacto complainant's account to the petitioner's account, and that however, between 2013 and 2017, there were transactions in the petitioner's account to the tune of Rs.1.5Crores.

6. Considering the aforesaid facts and since the allegation of the defacto complainant is not supported by any material; that admittedly, the petitioner and the defacto complainant had a long standing relationship for the past twenty five years; that even according to the complaint, the alleged occurrence is said to have taken place from 2014; and that there were some financial transactions only between 2013 and 2017 in the petitioner's account, this Court is of the view that custodial interrogation of the petitioner is not



required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.III, Coimbatore**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 condition that:

[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police twice a weeks i.e., on Monday and Thursday at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned



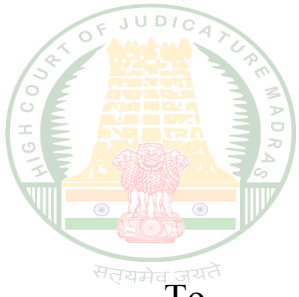
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Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.03.2025

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SUNDER MOHAN, J.
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To

1.The Judicial Magistrate No.III,
Coimbatore.

2.The Inspector of Police,
Singanallur Police Station,
Coimbatore City.

3.The Public Prosecutor,
High Court of Madras.

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