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Crl.O.P.No.1778 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.1778 of 2025

1.N.S.Sivaraj,
S/o. Subramaniam,
58-A, Banker Thottam, Kangampalayam,
Nadhipalayam, Erode District.

2.Venkidusamy,
S/o. Nanjappa gounder,
6/89, Pallakattu Thottam, Ellampalayam, Marappampalayam,
Gobichettipalayam, Erode District.

Petitioners(s)

Vs

State rep. by The Inspector of Police,
District Crime Branch, Erode,
Erode District. (Crime No.09 of 2024)

Respondent(s)

For Petitioners(s): Mr. J. Ranjith Kumar

For Respondent(s): Mr. S. Balaji, Government Advocate (Crl.side).

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420 & 109 of the Indian Penal Code, (IPC), 1860, in Crime No.09 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that, the petitioners, along with other accused, were running a private school; that they promised the defacto complainant to make him as one of the partners if he invests a sum of Rs.50 Lakhs for the construction of helipad in the school campus; that after receiving the amount, the petitioners neither made him a partner nor repaid the amount. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and he have been falsely implicated in this case. He also submitted that the petitioners had never committed any offence as alleged by the prosecution; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and opposed the prayer for anticipatory bail.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the First Information Report.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsels on either side, and also considering the fact that the co-accused have already been granted anticipatory bail, and since custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Erode**, on condition that the petitioners 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:

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[a] the petitioners 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 petitioners shall report before the respondent police daily at 10:30 A.M., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[d] the petitioners shall not abscond either during the investigation or during the trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners were 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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District Crime Branch, Erode,
Erode District. (Crime No.09 of 2024)



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SUNDER MOHAN, J.

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