



Crl.OP.No.954 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.954 of 2025

Ezhilarasan

... Petitioner /Accused-3

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Mayiladuthurai District.

... Respondent/Complainant

(Crime No.10 of 2023)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.10 of 2023 by the respondent Police.

For petitioner : Mr.M.Vinoth

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



Crl.OP.No.954 of 2025

WEB COPY

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC, in Crime No.10 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that A1 to A4 had induced the defacto complainant to pay a sum of Rs.2,40,000/- on the promise that they would secure a job as Noon Meal Organiser in the Government and that they neither obtained the job nor returned the money. Hence, the case.

3.The learned counsel for the petitioner/A3 would submit that the petitioner was a student when the alleged transactions took place and that some monies were credited into his account and he has nothing to do with the alleged transactions and in any case, he would submit that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, he prays for the grant of anticipatory bail.



WEB COPY

4.Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that apart from the defacto complainant, several others were also cheated and also produced a list of payments made by the victims and submitted that a sum of Rs.2,90,000/- was transferred through account to A1 and a sum of Rs.3,58,000/- was transferred through account to A3 and the remaining amount was paid by way of cash.

5.At this juncture, the learned counsel for the petitioner offered to deposit a sum of Rs.3,58,000/- credited to his account to the credit of Crime No.10 of 2023.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record including the counter affidavit.

7.Considering the nature of allegations against the petitioner, the nature of transactions and the fact that the petitioner is willing to deposit a sum of Rs.3,58,000/- to the credit of Crime No.10 of 2023 and since the



custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 of receipt of copy of this order, before the **Judicial Magistrate Court No.I, Nagapattinam**, on condition that the petitioner shall execute a bond for 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 said Magistrate, on further condition that:

[a] 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, everyday at 10.30 a.m., until further orders;



Crl.OP.No.954 of 2025

[c] the petitioner is directed to deposit a sum of Rs.3,58,000/- to the credit of Crime No.10 of 2023, within a period of two weeks from the date of receipt of a copy of this order.

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

[e] the petitioner shall not tamper with evidence or witness 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* reported in [(2005)AIR SCW 5560];

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

12.02.2025

ata



WEB COPY



Crl.OP.No.954 of 2025

SUNDER MOHAN, J.

ata

To

- 1.The Inspector of Police, District Crime Branch, Mayiladuthurai District.
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Judicial Magistrate Court No.I, Nagapattinam.

Crl.OP.No.954 of 2025

12.02.2025