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Crl OP No.938 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.938 of 2025

1. Selva Kumar
2. Sumathi

... Petitioners

Versus

State rep by
The Inspector of Police,
Central Crime Branch,
EDF-1, BETA-2
Chennai City,EVR Salai-Chennai.
Crime No.139 of 2023.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.139 of 2024 on the file of the respondent police.

For petitioners : Mr.M.B.Prabhu

For Respondent : Mr.S.Santhosh,

Government Advocate (Crl.Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 468, 471 r/w 120B and 34 of IPC 1860 in Cr.No.139 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on the promise of obtaining loan to the tune of Rs.70,00,00,000/-, A1 and A2 had received a commission of Rs.1.44 crores and that A1 had received the said commission and transferred to A4 who in turn transferred a sum of Rs.38,75,000/- to the first petitioner who is arrayed as A3.

3. Learned counsel appearing for the petitioner would submit that the first petitioner had transactions with A4 and that he has no direct relationship with the defacto complainant, in any case, the custodial interrogation of the petitioners is not required. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the final report has been filed and the same reveals from A4s account, a sum of Rs.38,75,000/- was transferred to the first



petitioner. He also submitted that the second petitioner Sumathi is not an accused.

5. Reading the fact that the second petitioner is not an accused the petition as far as the second petitioner is closed.

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

7. Considering the fact that the first petitioner did not have any direct relationship with the defacto complainant; that the money received from A1 was transferred to the first petitioner; that the final report has been filed; that the case borne out by records and since the custodial interrogation of the first petitioner is not required, this Court is inclined to grant anticipatory bail to the first petitioner.

7. Accordingly, the first 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 is made ready, before the ***Metropolitan Magistrate Exclusive Trial for CCB and CBCID Cases, Chennai*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who



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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]]the first petitioner shall report before the respondent police station daily at 10.30 a.m., until further orders.

[b] the first petitioner shall not tamper with evidence or witness either during investigation or trial;

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

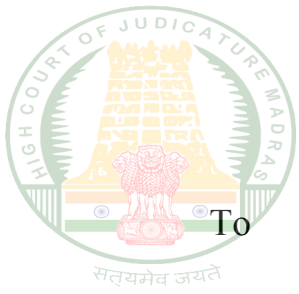
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the Petitioner is released on bail by the learned Magistrate/Trial Court himself as laid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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

9. Since the second petitioner Sumathi is not an accused, the Criminal Original Petition is closed as against her.

17.02.2025

Vv



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To

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1. The Metropolitan Magistrate
Exclusive Trial for CCB and CBCID Cases,
Chennai

2. The Inspector of Police,
Central Crime Branch,
EDF-1, BETA-2
Chennai City,EVR Salai-Chennai.

3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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