



WEB COPY



CRL O.P. No.651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.651 of 2025

1. G. Jothilakshmi D/o. Govindan Nair
2. A. GirishGowtham S/o. A. Anbarasu Petitioners / Accused 2
& 3

Vs

State rep. by:-

The Inspector Of Police,
R-4 Soundarapandianar Angadi Police Station,
T. Nagar, Chennai-600 017. ... Respondent
[Cr. No.8 of 2024]

V. Vidya .. Defacto complainant
[Permitted to intervene in Crl. O.P.No.651 of 2025
vide order dated 28.02.2025 passed in Crl. M.P.
No.2113 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of
B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in
Crime No.8 of 2024 on the file of the respondent police.

For Petitioner : Mr.D. Parthibhan
Fon Intervenor: Ms. V. Vidya - Party-in-person



WEB COPY



CRL O.P. No.651 of 2025

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]
ORDER

The petitioners / Accused 2 & 3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 120-B of IPC in connection with the case in Crime No.8 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 had monetary transactions; that A1 had promised high returns on investment; that the defacto complainant had transferred a sum of Rs.26 lakhs to the account of A1 and handed over Rs.22.5 lakhs by cash in the presence of the petitioners, by way of cash; that the petitioners are wife and son of A1 respectively; that A1 and the petitioners did not return the money invested by the defacto complainant.

3. Learned counsel for the petitioners would contend that admittedly, the transactions are between A1 and the defacto complainant and the petitioners are sought to be implicated only to harass them; that



CRL O.P. No.651 of 2025

WEB COPY

the 1st petitioner has no connection with her husband and that considering the nature of transactions, the custodial interrogation of the petitioners is not required and prayed for grant of anticipatory bail.

4. The defacto complainant appeared as party-in-person and opposed the grant of anticipatory bail stating that it is not only A1, but the petitioners, who had promised high returns and obtained money from her and hence custodial interrogation is required. She further submitted that the averment that the 1st petitioner is separated from A1 is false and A1 was apprehended, only on the basis of calls made by A2 and A3 / petitioners, to him and prayed for dismissal of the anticipatory bail.

5. Learned Government Advocate (Criminal Side), reiterated the prosecution case and submitted that A1 has been arrested and Rs.26 lakhs was transferred to his account and he is still in custody.

6. Heard the learned counsel for the petitioner and the learned



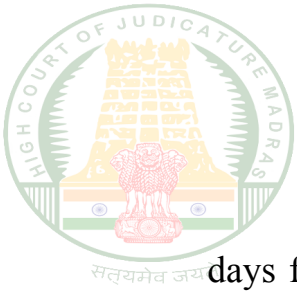
CRL O.P. No.651 of 2025

Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

WEB COPY

7. On perusal of the FIR, it is seen that the alleged transactions took place in October 2022. Though it is averred in the FIR that the petitioners were also present, when the defacto complainant handed over cash to the first accused, the nature of allegations, suggests that the transactions were only between the A1 and the defacto complainant. It is also seen that the amount of Rs.26 lakhs was transferred to the account of A1. Considering the nature of allegations against the petitioners, the fact that the dispute between A1 and the defacto complainant relates to non-payment of money and since first accused has already been arrested, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen



CRL O.P. No.651 of 2025

days from the date of receipt of a copy of this order, before the learned

WEB COPY

XVII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioners shall each execute a 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 conditions that:

[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 1st petitioner shall report before the respondent police as and when required for the interrogation and the 2nd petitioner shall appear before the respondent police everyday at 10.30 a.m., until further orders.**



CRL O.P. No.651 of 2025

WEB COPY

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

d] the petitioners shall not abscond either during investigation or 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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

28.02.2025
[2/2]

mjs

To

6/8



CRL O.P. No.651 of 2025

1. The XVII Metropolitan Magistrate, Saidapet, Chennai.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, R-4 Soundarapandianar Angadi Police Station, T. Nagar, Chennai-600 017.

SUNDER MOHAN. J.,

mjs



WEB COPY



CRL O.P. No.651 of 2025

CRL O.P. No.651 of 2025

28.02.2025
[2/2]