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Crl.OP.No.2320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2320 of 2025

Kaliyamoorthy ... Petitioner(s)

Vs.

The State rep. by
The Inspector of Police,
District Crime Branch,
Perambalur,
Perambalur District.
Crime No.3 of 2024

... Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest or surrender in Crime No.3 of 2024 pending investigation on the file of the respondent police.

For petitioner(s) : Mr.B.Vishnuchelliya
for Mr.Ajmal Associates

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



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ORDER

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2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 406, 408, 409 and 420 of IPC in Crime No.3 of 2024, seeks anticipatory bail.

4. It is the case of the prosecution that the petitioner had misappropriated Panchayat funds on two different occasions, to the tune of Rs.32,49,119/- and Rs.6,47,858/- respectively, by illegally transferring the said amounts to his personal account.



WEB COPY 5. The learned counsel for the petitioner would submit that the allegations are false; that the investigation has now been completed and the final report has also been filed; that, in any case, the allegations are borne out by records, and since custodial interrogation of the petitioner is not required for the purpose of investigation, the petitioner may be granted anticipatory bail.

6. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner, on instructions, submitted that the petitioner has committed misappropriation to the tune of Rs.32,49,119/- and Rs.6,47,858/- and the charge-sheet has been filed.

7. Though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.12404 of 2024 dated 07.06.2024, the petitioner has not been arrested so far. The earlier anticipatory bail application was dismissed on the ground that the investigation was pending. The



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respondents have now filed the final report.

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8. Considering the aforesaid facts and change in circumstances, and since custodial interrogation of the petitioner is not required at this stage, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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 is made ready, before the **Judicial Magistrate Court No.1, Perambalur**, 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 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



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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 appear before the respondent police daily at 10.30 a.m., until further orders.

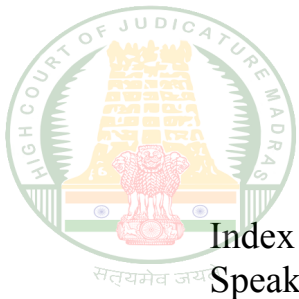
[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

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

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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SUNDER MOHAN, J.

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To

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

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