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Crl.O.P.No.3420 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3420 of 2025

Vaithilingam
S/O Kannaiyan, 2/304 Kamarajar Street,
Melkavarapattu Cuddalore district

Petitioner(s)

Vs

The Station House officer
Nellikuppam Police Station, Cuddalore District.
(CRIME NO.753 OF 2021)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.753 of 2021, on the file of the respondent police.

For Petitioner(s): Mr. M.Kalaiyaran

For Respondent(s): Public Prosecutor



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 and 506(i) of IPC in Crime No.753 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had obtained a sum of Rs.7,70,000/- from the defacto complainant to invest in properties and make profits; and that the petitioner did not repay the same. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution; that the petitioner had filed an earlier anticipatory bail application in Crl.O.P.No.321 of 2022 before this Court and the same was allowed vide an order dated 07.01.2022 on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties and to deposit a sum of Rs.2,00,000/- to the credit of Crime No.753 of 2021



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before the learned Magistrate concerned, since the petitioner could not able to mobilize the fund, he could not able to execute the sureties and to comply with the conditions imposed on him in the earlier anticipatory bail application within the stipulated time, hence the same was lapsed. He further submitted that not complying with the said condition by the petitioner is neither wilful nor wanton; and that the petitioner is now ready with the said fund and also willing to deposit the same as per the condition imposed on him in the earlier anticipatory bail application, hence prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that this Court vide order dated 07.01.2022 in Crl.O.P.No.321 of 2022 had granted anticipatory bail to the petitioner with certain conditions; that the petitioner had not complied with any of the condition and has now preferred second anticipatory bail application, and opposed the same.

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



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

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6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, the fact that the petitioner is now ready and willing to comply with the conditions imposed on him by this Court in earlier anticipatory bail application, the fact that the respondent has not arrested the petitioner till date and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with the same conditions imposed on him by this Court vide order dated 07.01.2022 in Crl.O.P.No.321 of 2022 as follows:

7. 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 made ready, before **the learned Judicial Magistrate No.1 at Cuddalore** on condition that the petitioner 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

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for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.753 of 2021 before the learned Judicial Magistrate No.I, Cuddalore, within a period of fifteen (15) days from the date of receipt of copy of this order and shall produce the proof of payment receipt before the learned Magistrate concerned.

[b] the petitioner 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.

[c] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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

SUNDER MOHAN, J.

stn

[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 [(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

stn

To

1. The station House Officer,
Nellikuppam Police Station,
Cuddalore District.
(CRIME NO.753 OF 2021)



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