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CRL O.P. No.2829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2829 of 2025

Annamalai

... Petitioner / Accused-2

Vs

State rep. by:-

The Inspector of Police,
Salem City Police Station,
Salem District.
[Crime No.426 of 2018]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused-2, in Crime No.426 of 2018 on the file of the respondent police.

For Petitioner : M/s. K.Komala

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]



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ORDER

The petitioner / Accused-2, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420 and 506(2) of Indian Penal Code, 1860, in connection with the case in Crime No.426 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that A-1 and the defacto complainant were known to each other and that on the promise of obtaining Metal Waste Mud, A-1 had initially received a sum of Rs.2,50,000/- and thereafter had instructed the defacto complainant to transfer a total sum of Rs.16,49,000/- to the Bank accounts of A-3 to A-6 and that, on the instructions given by A-1, the petitioner/A-2 had gone to the defacto complainant and collected a sum of Rs.3,00,000/-. Hence, the case.

3. Learned counsel for the petitioner would submit that the allegations are primarily against A-1, and the petitioner/A-2 had nothing to do with the defacto complainant and in any case, it is a case of commercial transactions, the custodial interrogation of the petitioner is not required in this case and hence



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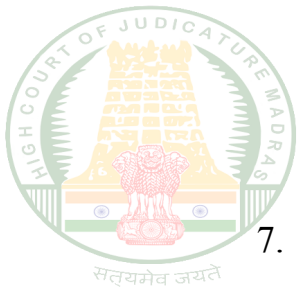
prayed to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) reiterated the prosecution case and confirms the fact that, A-1 and A-2 had a business dealings and at the instance of A-1, the defacto complainant has transferred the money to bank accounts of A-1 to A-6 and A-1 had not supplied the Metal Waste Mud or returned the money.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations against the petitioner, it is a commercial transaction, 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 on certain conditions.



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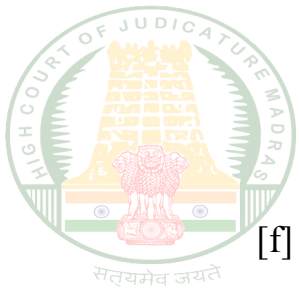
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate -III, Salem**, on condition that the petitioner shall execute a bond 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 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.

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



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2025

dsn

To

- 1.The Judicial Magistrate-III, Salem.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Salem City Police Station, Salem District.



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SUNDER MOHAN. J.,

dsn

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