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CRL O.P. No.3049 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.3049 of 2025

Arumugam

... Petitioner / Accused-4

Vs

State rep. by:-

The Inspector of Police,
District Crime Branch
Kallakurichi District.
[Crime No.2 of 2021]

... 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-4, in Crime No.2 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Praveen

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



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ORDER

The petitioner / Accused-4, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of Indian Penal Code, 1860, in connection with the case in Crime No.2 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A-4 that A-1 and A-2 had induced the defacto complainant and his friends to pay a total sum of Rs.45,00,000/- from the year 2019 onwards, on the promise of getting Government Job, that when the accused were not present in the house, they used to hand over the cash to A-3 and A-4 and the same was to be handed over to the main accused/A-1 and A-2.

3. Learned counsel for the petitioner would submit that admittedly, the petitioner was not a beneficiary to the transaction, the alleged occurrence took place in the year 2019 and the complaint was given in the year 2021, in any case, considering the nature of allegations, the custodial interrogation of the petitioner is not required in this case and hence prayed to grant anticipatory bail



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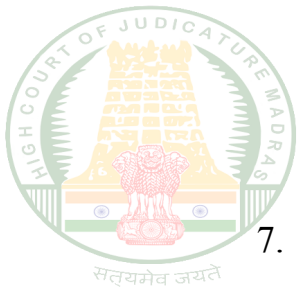
to the petitioner.

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4. The learned Government Advocate (Criminal Side) filed counter and reiterated the prosecution case and submitted that the petitioner is only a friend of A-1 and A-2 and he had received the cash on behalf of A-1 and A-2 and handed over to the said persons.

5. Heard the learned counsel for the petitioner, 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, the alleged occurrence took place in the year 2019, complaint was given in the year 2021 and the role played by the petitioner, and the petitioner is not the beneficiary in the transactions, 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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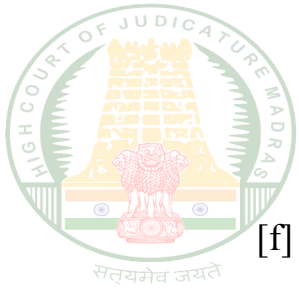
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.2, Kallakurichi, Kallakurichi District**, on condition that the petitioner 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 No.2, Kallakurichi, Kallakurichi District.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District Crime Branch, Kallakurichi District.



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SUNDER MOHAN. J.,

dsn

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