



WEB COPY

Crl.O.P.No.3173 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3173 of 2025

Vaitiyanathan
S/o0.Rajamanikam, No.1/49, Athirenkamsalai
Pandi Post, Keelapandi Thiruvarur

Petitioner(s)

Vs

State Represented by Its Inspector of Police,
Edaiyur Police Station, Thiruvarur District
(Crime No.246/2023)

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.246 of 2023, on the file of the respondent police.

For Petitioner(s): Mr. Arivazhagan S

For Respondent(s): Public Prosecutor



Crl.O.P.No.3173 of 2023

ORDER

WEB COPY The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC in Crime No.246 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant appointed the petitioner herein as his Power of Attorney to sell his properties and to settle his creditors; and that the petitioner after receiving the sale consideration settled only a few creditors and misappropriated the remaining amount. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner has never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.



WEB COPY

Crl.O.P.No.3173 of 202



4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner had induced the defacto complainant and became his power agent, thereby misappropriated the money by way of selling the petitioner's land; and that the investigation is pending, hence opposed for the grant of anticipatory bail to the petitioner.

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.

6. Taking note of the facts and circumstances of the case, considering that the dispute relates to settlement of accounts, submissions made by the learned counsels on either side, the fact that the allegation is borne out by the records and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY

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 on which the order copy made ready, before **the learned Judicial Magistrate Court, Thiruthuraipoondi, Thiruvarur District** 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 for anticipatory bail shall stand dismissed and on further condition 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.

[b] the petitioner shall report before the respondent police on every Monday and Thursday at 10:30 a.m., until further orders.

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



WEB COPY



Crl.O.P.No.3173 of 2025

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.02.2025

stn



WEB COPY



Crl.O.P.No.3173 of 2025

SUNDER MOHAN, J.

stn

To

1. State Represented by Its Inspector of Police,
Edaiyur Police Station,
Thiruvarur District
(Crime No.246/2023)

Crl.O.P. No.3173 of 2025

12.02.2025