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Crl.O.P.No.3369 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3369 of 2025

1. Palin Raja

2. Raja Dhanapal

Petitioner(s)

Vs

The State rep by The Inspector of Police,
Pernampet Police Station, Vellore District.
(Crime No.421/2024)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.421 of 2024, on the file of the respondent police.

For Petitioner(s): Mr. T Muruganantham

For Respondent(s): Public Prosecutor



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 420 and 506(1) of IPC in Crime No.421 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and their son one Samuel Rajan/ A1 were running a NGO in the name and style of Impact India Evanlaistic Team Suvesham; that they got acquainted with the defacto complainant; that they induced him and received a sum of Rs.18,00,000/- as loan for their NGO activities and inspite of several reminders, they failed to repay the same. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners herein are the parents of A1 and they have no role in the financial transactions between the A1 and the defacto complainant; that the co-accused was already granted bail vide order dated 09.10.2024 in CMP.No.4951 of 2024; and that the petitioners are 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 petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that there is a financial transactions between the accused persons and the defacto complainant, thereby received a sum of Rs.18,00,000/-; that the petitioners herein and their son have failed to repay the said loan amount to the defacto complainant; and that the investigation is pending, hence opposed for the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 the nature of allegation against the petitioners, the fact that the petitioners herein are the parents of A1, who was arrested and released on



bail and since, custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate Court, Gudiyatham** on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police as and when required for



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interrogation.

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

[d] the petitioners 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 petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

12.02.2025

stn

To

1. The State rep by The Inspector of police,
Pernampet Police Station,
Vellore district.



(Crime No.421/2024)

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SUNDER MOHAN, J.

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