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Crl OP No.3451 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3451 of 2025

Valarmathi

... Petitioner

Versus

The State represented by
Inspector of Police,
DCB Police Station, Erode,
Villupuram District.
Crime No.15 of 2024.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest of the petitioner in connection with Cr.No.15 of 2024 on the file of the DCB Police Station, Villupuram District.

For petitioner : Mr.A.Sundaravadhanan

For Respondent : Mr.Leonard Arul Joseph,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471 and 420 of IPC in Crime No.15 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that A1 was working in the Villupuram Municipality Office and he had misused his position and transferred a sum of Rs.8,01,38,245/- from the treasury account in his name and in various other accounts from the year 2021 and that A1 is who is the step son of the petitioner had transferred a sum of Rs.48,00,000/- to her account.

3. Learned counsel appearing for the petitioner would submit that the petitioner is a house wife, that her leg has been amputated due to diabetics; that she was not aware of the alleged misappropriation said to have committed by A1 and her account was misused by A1 for transferring the amount; that in any case, the custodial interrogation of the petitioner is not required. Hence, he prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the monies were transferred into various accounts of A1 and other accused persons and a sum of Rs.48,00,000/- transferred to the account of the petitioner and confirmed the medical condition of the petitioner.



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5. From the submissions made on either side, it is seen that apart from the transfer of amount to the petitioner's account and there is no other evidence to suggest the involvement of the petitioner in the alleged misappropriation said to have been committed by A1.

6. Considering the above fact, the medical condition of the petitioner and her age, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 is made ready, before the ***Judicial Magistrate No.I, Villupuram***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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:



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[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 as and when required for interrogation.

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

[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 is 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]**;

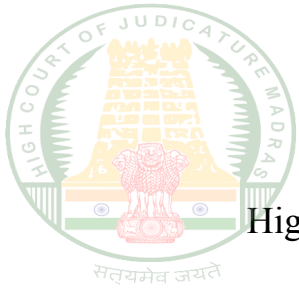
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

19.02.2025

Vv

To

1. The Judicial Magistrate-I,
Villupuram.
2. The Inspector of Police,
DCB Police Station, Erode,
Villupuram District.
3. The Public Prosecutor,



High Court of Madras, Chennai.

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SUNDER MOHAN, J.

Vv

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