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CRL OP NO.5080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5080 of 2025

1. V.Manivannan
2. V.Neelakandan
3. V.Malathi

Petitioners/A2,A3 & A4

Vs

State Rep By,
The Inspector Of Police
J7- Velachery Police Station,
Velachery,
Chennai – 600 042.
(Cr.No.58 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners / Accused on
anticipatory bail in the event of arrest in Crime No.58 of 2025 pending
on the file of the respondent police.

For petitioners	:	Mr.Pradeep Jayaraman
For de facto	:	Mr.K.Chandrasekaran
For Respondent	:	Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406, 420
and 120B of the IPC, in Crime No.58 of 2025, on the file of the
respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the first accused, *viz.*, Nithya, was employed under the de facto complainant's company between the years 2017-2023; that she had forged the signature of the de facto complainant in several cheques and had transferred funds to her account and to the accounts of the second and third petitioners, who are her parents and thus committed misappropriation of funds to the tune of Rs.88,00,000/-.

3. The learned counsel appearing for the petitioners would submit that the second and the third petitioners who are the parents of the first accused, were employed at Goa for landscaping project; that in order to pay the local farmers and for the other expenses, the de facto complainant had transferred funds to the second petitioner's account; that the first accused had transferred funds to the second and third petitioners account only after she had left the de facto complainant's company and it cannot be treated as misappropriation and that no fund was transferred to the first petitioner; that the first accused was arrested and released on bail and in any case, custodial interrogation is not required and sought anticipatory bail.



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4. The learned counsel for the de facto complainant vehemently opposed for grant of anticipatory bail to the petitioners and submitted that the first accused had adopted ingenious method to transfer funds from the de facto complainant's account; that she had misused the accounts of the second and third petitioners, who are her parents and that they are not employed under the company of the de facto complainant and hence, custodial interrogation of the petitioner is required and therefore, prayed for dismissal of the anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and submitted that the first accused was arrested and released on bail and a sum of Rs.38,11,240/- and Rs.4,28,543 was credited to the accounts of the second and third petitioners respectively.

6. According to the de facto complainant, the alleged occurrence took place between the years 2017-2023. It is also submitted that the funds were transferred to the second petitioner, even after the first accused had left the de facto complainant's company and that the petitioners are closely related to the first accused.



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7. Considering the aforesaid facts, the nature of allegations, the first accused was arrested and released on bail, the allegations are borne out by records and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners subject to the following condition.

8. 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 XVIII Metropolitan Magistrate, Saidapet** 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.



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[b] the first and third petitioners shall report before the respondent police as and when required and the second petitioner shall report before the respondent police once in a week, viz. on Monday 10:30 a.m., until further orders.

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

20.03.2025

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To:

1. The Inspector Of Police
Pathitivedu Police Station,
Thituvallur District.
2. The XVIII Metropolitan Magistrate,
Saidapet
3. The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.
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