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CrI.O.P.No.4850 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.4850 of 2025

1.Kumar
2.Vijaya Samundi

...Petitioners/Accused 3 & 5

Vs.

State rep by
The Inspector of Police,
District Crime Branch,
Thiruvannamalai,
Thiruvannamalai District.

(Crime No.2 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.2 of 2025 pending investigation on the file of the respondent police.

For Petitioners	:	Mr.E.Kannadasan
For Respondent	:	Mr.S.Santhosh, Government Advocate (CrI.Side) Mr.Nithiyaesh Natraj Intervenor.

ORDER



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This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.2 of 2025 registered for the offence under Sections 409, 420, 465, 468, 471 & 120(B) of IPC.

2. The case of the prosecution is that the first petitioner arrayed as A3 is working as gold Appraiser in the defacto complainant's bank; that he in collusion with the first accused viz., one Nareshkumar, had removed gold jewels from the pouches which was kept as security for the gold loan availed by different customers and obtained loan in the name of fictitious persons and misappropriated a sum of Rs.1,30,00,000/-; and that Out of the said misappropriated amount, a sum of Rs.80,00,000/- was credited to the second petitioner and thus committed the aforesaid offence.

2. The learned counsel for the petitioner submitted that the first accused has written a letter to the Branch Manger stating that he is responsible for the said misappropriation and that he would take responsibility in refunding the said amount and hence, the petitioners are



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innocent and that in any case, custodial interrogation of the petitioners is not required for the purpose of investigation and sought for anticipatory bail.

3. The learned counsel for the defacto complainant would vehemently oppose to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) reiterated the prosecution case and submitted that out of the total amount misappropriated i.e., a sum of Rs.1,30,00,000/-, the petitioner credited a sum of Rs.80,00,000/- to the second petitioner's Bank account and thus committed serious offence and the petitioners are required for custodial interrogation.

5. At this juncture, the learned counsel for the petitioners sought for permission to withdraw the petition insofar as the first petitioner. Accordingly, this Criminal Original Petition is dismissed as withdrawn as against the first petitioner.

6. As regards the second petitioner, admittedly, she had not worked in the Bank and there were no allegations against her relating to



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misappropriation. Merely because, certain amounts were credited by her

husband into her account, she cannot be liable for the said offence.

Considering, the nature of allegations and the case is borne by records as against her, this Court is of the view that custodial interrogation of the second petitioner is not required for the purpose of investigation and hence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions:

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned **Judicial Magistrate No.I, Thiruvannamalai** on condition that the second 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 said Magistrate, on further condition that:

[a] 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 second petitioner shall report before the respondent Police as and when required;

[c] the second petitioner shall not abscond either during investigation or trial;

[d] the second petitioner shall not tamper with evidence or witness 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 B.N.S.

13.03.2025

rkp

SUNDER MOHAN, J.

rkp



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Copy to:

- 1.The Inspector of Police,
District Crime Branch,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Judicial Magistrate No.I,
Thiruvannamalai.
- 3.The Public Prosecutor,
High Court, Madras.

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(1/2)

13.03.2025