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Crl.OP.No.5099 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5099 of 2025

Rameshkumar

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
District Crime Branch,
Krishnagiri District.
(Crime No. 02/2025)

Respondent(s)

For Petitioner(s):

Mr.P.M.Jayachandran

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409, 468, 420 and 120-B of IPC, in Crime No.2 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant wanted to sell his property and approached the petitioner (A5), that the petitioner advised the defacto complainant that instead of selling the property, the property can be mortgaged and money can be generated; that he introduced the defacto complainant to A2; that A2 had introduced A1 to the defacto complainant; that thereafter, the defacto complainant handed over the original documents of the property to enable A1 to obtain loan from State Bank of India to the tune of Rs.1.5 cores; that the petitioner (A5) had given only Rs.35 lakhs to the defacto complainant. Hence, the case.

3. Learned counsel for the petitioner would contend that even according to the prosecution, the loan was sanctioned in the name of A1 and the entire amount sanctioned as loan, was transferred to the account of A1; that the petitioner has nothing to do with the alleged transaction; that there is nothing on record except the confession of the co-accused that he had gained monetarily and in any case, custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, submitted that the loan was sanctioned in the name of A1; that A1 is absconding; that this Court granted anticipatory bail to A3 and A4 in Crl.OP.No.3294 of 2025 and also submitted that this petitioner also shared the money received by A1 from the bank.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

6. Considering the nature of allegations against the petitioner, the fact that he is sought to be implicated on the confession of the co-accused, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation, that co-accused



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was also granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Krishnagiri**, on condition that each 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 conditions 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 everyday at 10.30 a.m., until further orders.



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[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 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 B.N.S.

26.02.2025

drl

To

1. The Inspector Of Police,
District Crime Branch,
Krishnagiri District.
2. The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN, J.

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