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Crl.O.P.No.5252 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5252 of 2025

1. Thayalinidevi
2. Michael @ Micheal Anandhu Raj
3. Saminathan ... Petitioners/A1 to A3
Vs

The State By, The Inspector Of Police
G5, Secretariat Colony Police Station,
Chennai.
[Cr.No.145 of 2024] ... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.145 of 2024, on the file of the respondent police.

For Petitioners : Mr. R.Gurubarao

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioners/A1 to A3, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406, 420,
120B, 468 and 471 of IPC in Crime No.145 of 2024, on the file of the



respondent police, seek anticipatory bail.

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2. It is the case of the prosecution that the 3rd petitioner/A3 had introduced 1st and 2nd petitioners/A1 and A2 to the defacto complainant; that the petitioners on the promise of obtaining a job to the defacto complainant's daughter had received a sum of Rs.10 Lakhs out of which Rs.3 Lakhs was received by way of bank transfer, made to A1's account; and that the petitioners neither obtained any job nor returned the money. Hence, this case.

3. The learned counsel for the petitioners would submit that the allegations are false; that it is a case of financial transaction between the petitioners and the defacto complainant; that there is no material to suggest that the cash was paid to the petitioners; that considering the fact that the alleged transactions took place in the year 2022, custodial interrogation of the petitioners, is not required for the purpose of investigation and prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl Side), while opposing



the grant of anticipatory bail to the petitioners, reiterated the case of the prosecution and submitted that the allegations is that out of Rs.10 Lakhs, Rs.3 Lakhs was paid by way of bank transfer.

5. At this juncture, the learned counsel for the petitioners had filed an affidavit undertaking to deposit a sum of Rs.2 Lakhs to the credit of Cr.No.145 of 2024, without prejudice to their defence.

6. The alleged transaction took place in the year 2022. Out of the amount said to have been paid by the defacto complainant, Rs.3 Lakhs was paid by bank transfer. The first petitioner has filed an affidavit undertaking to deposit Rs.2 lakhs.

7. Considering the aforesaid facts, nature of allegations against the petitioners and the fact that A3 has introduced A1 and A2 to the defacto complainant, and that the first petitioner to show her bonafides have filed an affidavit undertaking to deposit Rs.2,00,000/-, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners



with certain conditions.

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8. Accordingly, the petitioners are directed to deposit a sum of **Rs.2,00,000/- [Rupees Two Lakhs Only]** to the credit of Cr.No.145 of 2024, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their rights and contentions before the trial Court and on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days thereafter, before **the II Metropolitan Magistrate Court, Egmore, Chennai** 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 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 1st petitioner shall report before the



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respondent police as and when required for interrogation; the 2nd petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders; and the 3rd petitioner shall report before the respondent police twice a week i.e., on Monday and Thursday at 10.30 a.m., until further orders;

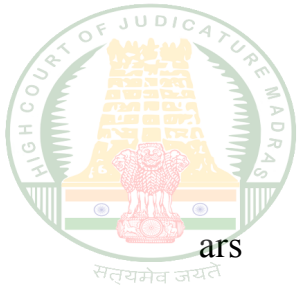
[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

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1. The State By, The Inspector Of Police
G5, Secretariat Colony Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. II Metropolitan Magistrate Court,
Egmore, Chennai.

SUNDER MOHAN, J.

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