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Crl.OP.No.6033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.6033 of 2025

Kamalakannan ... Petitioner(s) /Accused

Vs.

The State rep. by
The Inspector of Police,
Nallur Police Station, Tiruppur. ... Respondent(s)/ Complainant
Crime No.132 of 2025

Balakannan ... Defacto complainant
*[Permitted to intervene vide order dated 20.03.2025
made in Crl.MP.No.5038 of 2025 in Crl.OP.No.6033 of 2025]*

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to release the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.132 of 2025 on the file of the Inspector of Police, Nallur Police Station, Tiruppur.

For petitioner(s) : Mr.P.Thinesh

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



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For Intervenor : Mr.S.Gokulraj

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ORDER

This is the second anticipatory bail application filed by the petitioner before this Court.

2. Though the earlier anticipatory bail petition of the petitioner was disposed of by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(4) and 318(2) of BNS, 2023, on the file of the respondent police, in Crime No.132 of 2025, seeks anticipatory bail.

4. It is the case of the prosecution that the petitioner, along with the other accused, misappropriated funds amounting to Rs.10,00,000/-.



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5. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and prayed for anticipatory bail for the petitioner.

6. The learned counsel for the defacto complainant submitted that the petitioner, along with the other accused, had misappropriated both funds and goods amounting to Rs.10,00,000/-.

7. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that, upon being summoned, the petitioner was found to be bedridden and was subsequently examined through video conferencing by the respondents.

8. Considering the aforesaid facts and the nature of allegations; the fact that the petitioner has no bad antecedents; and that custodial interrogation is



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not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the 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 made ready, before the learned **Judicial Magistrate No.4, Tiruppur**, on condition that the 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 condition 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



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respondent police daily at 10:30 a.m.

[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”*** reported in **(2005) AIR SCW 5560**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

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SUNDER MOHAN, J.

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To

1. The Inspector of Police,
Nallur Police Station, Tiruppur.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate No.4, Tiruppur.

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