



Crl.OP.No.5395 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5395 of 2025

Kannan

.. Petitioner/Accused 2

Vs.

The State rep by
The Inspector of Police,
Nallur Police Station,
Tiruppur.
Crime No.132 of 2025

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.132 of 2025 on the file of the respondent
Police.

For Petitioner : Mr.P.Thinesh

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



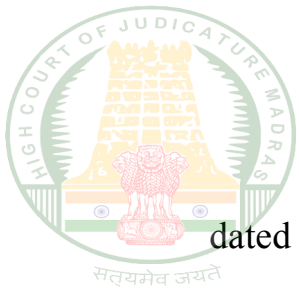
ORDER

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

2. The case of the prosecution is that the petitioner/2nd Accused was working as Driver under the first accused; that the defacto complainant had handed over a sum of Rs.10,00,000/- to the first accused for disbursing Dewali bonus to his employees and he had only disbursed Rs.8,00,000/- and misappropriated the remaining Rs.2,00,000/-; that the first accused had also removed the stocks to the value of Rs.30,00,000/- and misappropriated the same; and that the petitioner had assisted the first petitioner in removing the stocks. Hence, the case.

3. The learned counsel for the petitioner would submit that the allegations against the petitioner are false; that the defacto complainant lodged a complaint initially only against the first accused and a CSR was pending and this Court has directed the respondent police to conduct an enquiry and register the FIR, if any prima facie case is made out vide order



dated 29.01.2025; that instant complaint is an after thought and in any case, he was working as driver under the first accused, he has nothing to do with the alleged offence and since custodial interrogation is not required for the purpose of investigation and he sought for anticipatory bail.

4. The learned counsel for the defacto complainant would vehemently oppose the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case, confirming the fact that the petitioner was working as driver and had assisted the first accused in removing the stocks.

6. The allegations are primarily against A1. Admittedly, the petitioner was working as Driver under the first accused. In such circumstances, considering the nature of allegations against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the



petitioner on certain conditions.

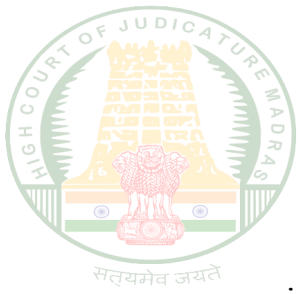
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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.4, Tiruppur** on condition that the 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 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 appear before the respondent police everyday at 10.30 a.m., until further orders.

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



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

13.03.2025

Index : Yes / No

rkp

To

1.The Inspector of Police,
Nallur Police Station, Tiruppur.

2.The Judicial Magistrate No.4, Tiruppur.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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