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CRL O.P. No.5611 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5611 of 2025

Karunanidhi S/o. Periyasamy Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Erode Town Police Station,
Erode District. ... Respondent
[Cr. No.97 of 2018]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.97 of 2018 on the file of the respondent police.

For Petitioner : Mr. C.S. Saravanan.C.S.

For Respondent : Mr. S. Santhosh
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 420, 468,

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471 and 506(i) of IPC in connection with the case in Crime No.97 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that A1 and the defacto complainant were partners and running a textile shop; that A1 had forged the Deed of Retirement making it to appear that the defacto complainant had retired from partnership and had transferred the shop in his name; and that when the defacto complainant approached the Erode Corporation for certain documents, the petitioner, who was employed as Assistant in the Erode Corporation, abused the defacto complainant and threatened him of dire consequences.

3. The learned counsel for the petitioner would contend that it is the case of business transactions between A1 and the defacto complainant; that A1 was granted anticipatory bail by this Court vide order in Crl.O.P. No.4766 of 2018 dated 16.03.2018; that the petitioner has nothing to do with the alleged transactions; that since final report has been filed, custodial interrogation of the petitioner is not required and



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prayed for grant of anticipatory bail to the petitioner.

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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the dispute is between A1 and the defacto complainant; that the petitioner is working as Assistant in the Erode Corporation and that he had assisted A1 during the transactions.

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. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that A1 was granted anticipatory bail by this Court vide order dated 16.03.2018 passed in Crl.O.P. No.4766 of 2018, the fact that the allegations are borne out by records and final report has been filed by the



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respondent police, which is yet to be taken on file by the trial Court, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence this Court is inclined to release the petitioner on anticipatory bail on certain conditions.

7. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate-II, Erode** on condition that the petitioner shall execute an own 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 stands 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.



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[b] the petitioner shall appear before the respondent police once in a week i.e., on Monday at 10.30 a.m. till the case is taken on the file of the trial Court and thereafter, the petitioner shall appear before the trial Court concerned on every hearing day;

[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].



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

28.02.2025

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To

- 1.The Judicial Magistrate-II, Erode.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Erode Town Police Station, Erode District.

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SUNDER MOHAN. J.,

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