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CrI.O.P.No.7444 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.7444 of 2025

Soundararajan Vellaiyan ... Petitioner/A5

Vs.

State, Rep. by Inspector of Police
DCB, Villupuram,
Villupuram District.
(Crime No.17 of 2021) ... Respondent/complainant

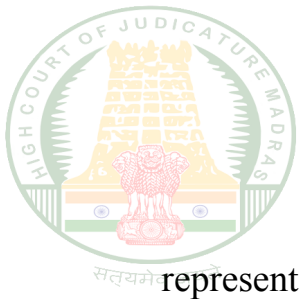
PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.17 of 2021, on the file of the respondent Police.

For Petitioner : Mr.Tamilselvan A

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

ORDER

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(1) of IPC in Crime No.17 of 2021, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that A1 had made a false representation to the defacto complainant that he would secure a government job and received Rs.16 Lakhs; that A2 received Rs.8 Lakhs; that A3 received Rs.50,000/-; that they neither obtained a job nor repaid the amount; that petitioner/A5 was present when A1 received cash and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner/A5 would submit that the petitioner is the uncle of A1 and is aged 70 years; that the alleged misrepresentation was made by A1; that A1 was arrested and released on bail; that A3 had repaid the sum of Rs.50,000/- received from the defacto complainant and was granted anticipatory bail by this Court vide order in Crl.OP No.5970 of 2025 dated 06.03.2025; and that in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that A1 has collected Rs.16 Lakhs and he was arrested and released on bail; that a sum of Rs.50,000/- received by A3 was deposited into the account of the defacto complainant and she was also



granted anticipatory bail by this Court.

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5. Considering the nature of the allegations against the petitioner, the age of the petitioner, the fact that the representation is said to have been made by the first accused and the fact that similarly placed co-accused was granted anticipatory bail, 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 with certain conditions.

6. 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 made ready, before **the learned Judicial Magistrate No.I, Villupuram**, 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 respondent police as and when required for the purpose of interrogation.

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

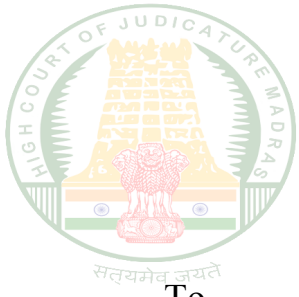
[d]the petitioner shall not abscond either during investigation or trial.

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

19.03.2025

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SUNDER MOHAN, J.
ars

To

1.The Judicial Magistrate No.I,
Villupuram

2.The Inspector of Police,
DCB, Villupuram, Villupuram District.

3.The Public Prosecutor,
High Court of Madras.

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