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CRL O.P. No.7680 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.7680 of 2025

M. Sakthivel Subramanian S/o. R. Murugesan ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police (Crime),
K8 Arumbakkam Police Station,
Chennai.
[Cr. No.102 of 2025]

... Respondent

Delwin Kiruba
[Permitted to intervene vide order in
Crl. MP. No.6399 of 2025 dated 02.04.2025]

Intervenor

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

Cr. No.102 of 2025 on the file of the respondent police.

For Petitioner : Mr.Periasamy.I.
For Intervenor: Mr. M. Ponmudi
For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER



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The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 403, 406, 420 and 506(i) of IPC in connection with the case in Cr. No.102 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant were partners and were running a Partnership firm in the name and style of "The Bioclean"; that the petitioner, without informing the defacto complainant, had withdrawn Rs.38,20,000/- from the partnership account to his personal account on 12.10.2022 and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would contend that the allegations against the petitioner are false; that there is a civil dispute between the partners for rendition of accounts in O.S. No.3876 of 2024 and the suit is pending; that the instant complaint has been lodged after 3 years after the alleged occurrence; that the alleged transactions are borne out by records; and that in any case, custodial interrogation of the



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petitioner is not required and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor would submit that the petitioner has committed misappropriated a sum of Rs.38,20,000/- from the partnership firm's account and transferred the amount to his own account and refused defacto complainant's access to the accounts of the partnership firm.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case.

6. Admittedly, the alleged withdrawal is said to have taken place on 12.10.2022. A civil suit in O.S. No.3876 of 2024 on the file of the XV Assistant City Civil Court, Chennai is pending. Considering the aforesaid facts, the nature of allegations, which are borne out by records and since the custodial interrogation of the petitioner is not required for



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the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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 of receipt of a copy of this order, before the learned **V Metropolitan Magistrate, Egmore, Chennai** 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 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 report 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;

[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]; and

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



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To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police (Crime), K8 Arumbakkam Police Station, Chennai.

SUNDER MOHAN. J.,

mjs



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