



Crl.OP.No.8542 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8542 of 2025

Santhoshkumar

.. Petitioner/A1

Vs.

The State rep by
The Inspector of Police,
Poochamalli Police Station,
Krishnagiri.
(Crime No.02/2021)

.. 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.02/2021 on the file of the respondent Police.

For Petitioner : Mrs.S. Mahalakshmi

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

ORDER

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 408, 409,420 of IPC in Crime No.02/2021, seeks anticipatory bail.



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2. It is the case of the prosecution that the defacto complainant was running a finance company; that the petitioner was working in the defacto complainant's company and created 49 fictitious accounts and loan was granted to the tune of Rs.12,04,394/- in the year 2019 and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the alleged transactions took place in the year 2019 and the complaint was lodged in the year 2021, after the petitioner left the job; and that considering the nature of the allegations and the fact that the FIR was lodged in the year 2021, sought for anticipatory bail

4. The learned Government Advocate (Crl.Side) while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed the fact that the transactions took place in the year 2019 and the complaint was lodged in the year 2021.



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5. Considering the aforesaid facts, the fact that the alleged misappropriation took place in the year 2019 and the allegations are borne out by records, 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.

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 is made ready, before the **learned Judicial Magistrate, Poochamalli**, 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.



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[b] the petitioner shall report before the respondent police, twice a week i.e., on Monday and Thursday at 10.30a.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].

[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
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SUNDER MOHAN , J.

ars

To

1.The Inspector of Police,
Poochamalli Police Station,
Krishnagiri.

2.The Judicial Magistrate, Poochamalli.

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

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