



Crl.OP.No.8912 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8912 of 2025

1.S.Rani Sri Priya

2.Kamalam

3.G.Sivakumar

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
City Crime Branch-I
Coimbatore, Coimbatore District.
(Crime No.2 of 2025)

.. Respondent

D.Krishnamoorthy

.. Defacto complainant/Intervenor

[Permitted to intervene vide order of this Court [SMJ] dated 15.04.2025 made in Crl.M.P.No.6519 of 2025 in Crl.O.P.No.8912 of 2025]

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of their arrest in Crime No.2 of 2025 on the file of the respondent Police.

For Petitioners : M/s.C.Prakasam



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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 316(4), 318(4) and 61(2) of BNS Act, 2023 in Crime No.2 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the third petitioner was working as a Manager in the defacto complainant's company and had misappropriated funds from the company's account in various forms; that the petitioner had transferred money to his account and to his wife's account and also purchased various properties; and that the first and second petitioners, who are the wife and mother of the third petitioner respectively, abetted him in committing the aforesaid offences.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; that the third petitioner had executed sale deed in favour of the defacto complainant in respect of five properties on



28.02.2025; that the defacto complainant has substantially recovered the money; and that in any case, custodial interrogation of the petitioners is not required and sought for anticipatory bail.

4. The learned counsel for the defacto complainant vehemently opposed the grant of anticipatory bail to the petitioners, stating that the properties were purchased with the misappropriated funds; that apart from the aforesaid sum, an additional amount of Rs.1,22,21,922/- had been misappropriated in cash, which was transferred to the accounts of the first and the third petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and confirmed the fact that the third petitioner had executed sale deeds in favour of the defacto complainant in respect of five properties on 28.02.2025.

6. Admittedly, the third petitioner had executed sale deeds in



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respect of a few properties in favour of the defacto complainant on 28.02.2025. Considering the aforesaid facts, the nature of allegations, and since the allegations are borne out by the records, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No-VI, Coimbatore, Coimbatore District**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 petitioners 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 first and second petitioners shall report before the



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respondent police as and when required for interrogation and the third petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.

15.04.2025

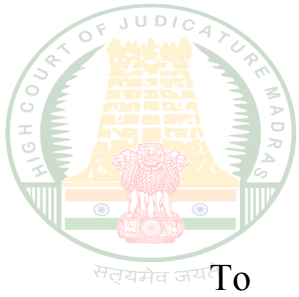
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Index : Yes / No

Internet : Yes / No

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SUNDER MOHAN, J.



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To
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- 1.The Inspector of Police,
City Crime Brach-I
Coimbatore, Coimbatore District.
- 2.The learned Judicial Magistrate No-VI,
Coimbatore, Coimbatore District
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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