



Crl.O.P.No.9366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9366 of 2025

Santhanamoorthi,
S/o. Kuppannan,
Kullandikadu,
Pachadiayampalayam,
Namakkal District.

... Petitioner

Versus

The State Represented by,
The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
(Crime No.46 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita,(BNSS), 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.46 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. W. Camyles Gandhi
For Respondent : Mr. S. Santhosh,
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 05.03.2025, seeking bail in Crime No.46 of 2025 registered for the offence under Sections 316(2) and 318(4) of the Bharatiya Nyaya Sanhita, (BNS), 2023, (406 & 420 of IPC).

2. The case of the prosecution is that the defacto complainant paid a sum of Rs.12,00,000/- in cash and another sum of Rs.10,00,000/- through online transaction to the petitioner in the year 2021, on the promise that the petitioner would obtain a job in the Railway department for his son. However, the petitioner neither returned the money nor secured the job, thereby committing the offense. Hence, the case.

3. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and has not committed any offence as alleged by the prosecution; that the petitioner was arrested and remanded to judicial custody on 05.03.2025; He further submitted that the petitioner, without prejudice to the defence and contention and to show his bonafide, is ready and willing to deposit a sum of Rs.7,00,000/- (Rupees Seven



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Lakhs only) to the credit of Crime No.46 of 2025, therefore, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution's case, stating that the petitioner received a huge sums of money of Rs.22,00,000/- (Rupees Twenty Two Lakhs only) comprising Rs.10 Lakhs in cash and Rs.12 Lakhs through bank transfer, and that the investigation is still pending and opposed for the grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of allegation, the submissions made by the learned counsels on either side, the voluntary submission made by the learned counsel for the petitioner, that the petitioner is ready to deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of Crime No.46 of 2025, and considering the period of incarceration undergone by the petitioner in the year 2021, and since further custody of the petitioner is not required pending trial, this Court is inclined to



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grant bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of Crime No.46 of 2025 and on such deposit and on receipt of proof of payment, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate, Rasipuram**, and on further conditions that:

[a] 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 deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of Crime No.46 of 2025 before the learned Magistrate concerned and on such deposit, the learned Magistrate concerned shall re-deposit the same to any of the Nationalized bank under interest bearing scheme and disburse the same, at the time of completion of the trial.

[c] the petitioner shall report before the respondent Police everyday at 10:30 A.M., until further orders;



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

[e] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

[f] 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 was 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];***

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

01.04.2025

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To

1. The Judicial Magistrate, Rasipuram.
2. The Inspector of Police,
Namagiripettai Police Station, Namakkal District.
3. The Superintendent, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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SUNDER MOHAN, J.

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