



Crl.O.P.No.14741 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14741 of 2025

Rajasekaran

... Petitioner

Vs.

State Rep. by
Station House Officer,
DCB, Cuddalore P.S.
(Crime No.3 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, pending investigation in Crime No.3 of 2025, on the file of the respondent Police.

For Petitioner	:	Mr.A.Natarajan Senior Counsel for M/s.A.Madhumathi
For Respondent	:	Mr.Leonard Joseph Selvam Government Advocate (Criminal Side)
For Intervenor	:	Mr.S.P.Nagaraj



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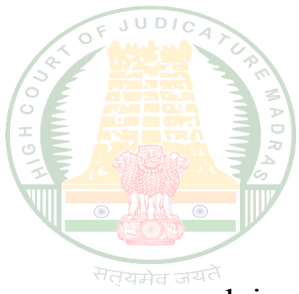
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ORDER

The petitioner was arrested and remanded to judicial custody on 10.04.2025 for the offences punishable under Sections 316 (2) and 318 (4) of BNS Act, in Crime No.3 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant retired employee of NLCIL, Neyveli. From his retirement benefit, the defacto complainant had given a Cheque for Rs.30,00,000/- to the petitioner to deposit in the Postal Savings Scheme. The petitioner is a Postal Agent. The petitioner deposited the cheque to his personal bank account and encashed the same, instead of depositing the cheque in the Post Office Savings Scheme and thus committed the aforesaid offences.

3. The learned Senior counsel for the petitioner would submit that the petitioner falsely implicated in this case; the defacto-complainant claiming to be an employee of NLCIL, Neyveli, from his retirement benefit, he said to have paid Rs.30,00,000/- to the petitioner to deposit in the Postal Scheme; the defacto complainant doing Real Estate Business in Cudalore and Neyveli Area, the petitioner given Rs.30,00,000/- for investing in land property, the defaco

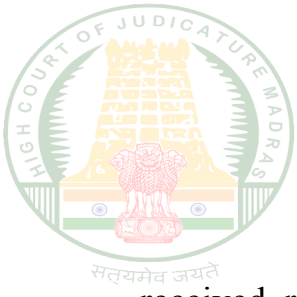


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complainant agreed, when the petitioner asked the defacto-complainant to execute certain documents and undertaking defacto-complainant refused to do so, in order to set right his liability, the defacto complainant issued a cheque to the petitioner; suppressing all these facts, defacto-complainant projected that the petitioner cheated and misappropriated the sum of Rs.30,00,000/-.

4. The learned senior counsel submitted that the cheque was encashed in the petitioner's account and it is the normal procedure that once the cheque is encashed, the information by SMS alert would be sent to the drawer of the cheque. Likewise, information received by the defacto-complainant, not raised objections kept quiet for five months, thereafter he lodged a complaint and three months thereafter, First Information Report registered in Cr. No.3 of 2025. This delay would clearly prove that a case fabricated against the petitioner. Hence, he prayed for grant of bail to the petitioner.

5. The learned counsel for defacto-complainant submitted that defacto-complainant had entrusted a sum of Rs.30,00,000/- through cheque to the petitioner who encashed the same. The understanding was that petitioner as a Post Office Agent, approached the defacto complainant finding he retired from NLCIL,



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received retirement benefits and advised him to deposit the amount in Postal Deposit Savings Scheme, which gives higher rate of interest. Further, the defacto-complainant was lured to deposit in the Senior Citizen Deposit Scheme in Post Office, defacto-complainant handed over the PAN card, Aadhar Card and Authorisation letter to the Postal Authorities, to open a postal savings Account. But petitioner misused the trust kept on him and misappropriated the amount of Rs.30,00,000/- and converted to his own use. Thereafter, the defacto-complainant lodged a complaint to the Deputy Superintendent of Police, Neyveli, where petitioner appeared and gave an undertaking that he would settle the amount to the defacto complainant within a period of two months but failed.

6. Again the defacto-complainant approached the Superintendent of Police, Cuddalore, lodged a complaint which was forwarded to the respondent police who registered First Information Report in Cr.No.3 of 2025 and thus in this process sometime taken and there is no intentional delay. On registration of the FIR, the petitioner approached this Court by filing Anticipatory Bail petition in CrI.O.P.No.5884 of 2025 and took adjournment on undertaking that he would settle the issue and gave three post dated cheques promised cheques would be honoured, later it was found that the petitioner had given instructions to the Bank



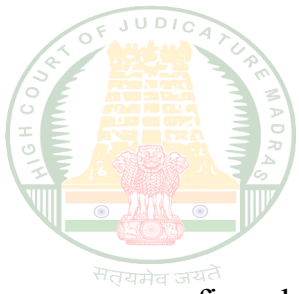
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to stop the payment for the cheques, when it was informed to this Court, this Court in order dated 11.03.2025, recorded that the *petitioner's action amounts to cheating and is in violation of undertaking before this Court. Hence, this Court is not inclined to grant anticipatory bail to the petitioner and dismissed the same.*

7. Further after the arrest of the petitioner on 10.04.2025, the petitioner moved Bail petition before the learned Principal Sessions Judge, Cuddalore. There also, the petitioner gave an undertaking to deposit 1/3rd of the cheque amount i.e., Rs.10,00,000/-, but he failed to do so and the Bail petition dismissed on 28.04.2025. Hence, for all these reasons, the learned counsel for the defacto complainant opposed for grant of bail to the petitioner and prayed for dismissal.

8. The learned Senior Counsel submitted that he is not aware about earlier proceedings and the undertaking given, but on instructions, he would submit that the petitioner is ready to deposit Rs.10,00,000/- to the credit of the Crime No.3 of 2025.

9. The learned Government Advocate submitted that complaint in Crime No.3 of 2025 reveals transaction made through Bank accounts and documents



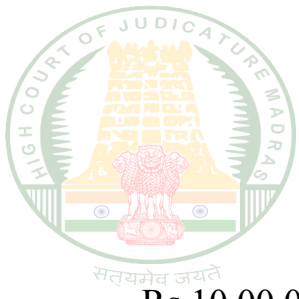
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confirm defacto complainant paying Rs.30,00,000/- to the petitioner. In this case investigation can be completed within a short period preferably within a period of three months and charge sheet can be filed and the case can be completed within a short period.

10. Heard both sides and perused the materials available on record.

11. Considering the period of incarceration and the fact that the petitioner comes forward to deposit a sum of Rs.10,00,000/- to the credit of Crime No. 3 of 2025, this Court is inclined to grant bail to the petitioner. The only apprehension of the petitioner is that the defacto-complainant is not entitled for Rs.10,00,000/-, further petitioner can prove that it is his money which was paid to the petitioner by the defacto complainant.

12. The learned counsel for the defacto complainant submitted that the defacto complainant a Senior Citizen with health ailments, now he has been cheated at this retirement benefit, he has no other income, he needs the money for his medical treatment and other urgent needs, seeks the amount deposited to be given to him. Further undertakes to file an affidavit that the return of money of



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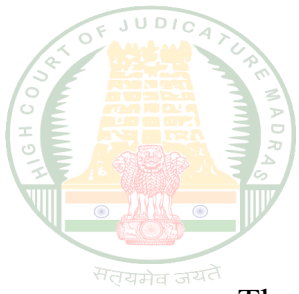
Rs.10,00,000/- will be subject to the outcome of the case in Cr.No.3 of 2025.

Hence the apprehension of the petitioner can be cleared and resolved.

13. Accordingly, the petitioner is ordered to be released on bail on conditions that:

i) **the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.3 of 2025.** The learned counsel for the defacto-complainant is directed to produce the bank documents to prima facie show that the amount of Rs.30,00,000/- transferred to the petitioner's account and thereafter, the learned Magistrate is directed to handover the amount of **Rs.10,00,000/-** deposited by the petitioner, to the defacto complainant on condition, defacto complainant to submit undertaking affidavit, confirming receipt of the Rs.10,00,000/- is subject to the outcome of Cr. No.3 of 2025, and consequential proceedings. In the event of the Lower Court decides otherwise, the deposited amount of Rs.10,00,000/- to be re-deposited in an interest earning Fixed Deposit in a Nationalized Bank.

(ii) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Neyveli.

iii) The petitioner shall appear before the respondent Police daily at 10.30 a.m., until further orders;

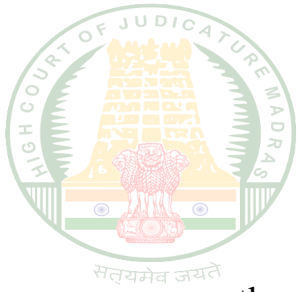
iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

v) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

vi) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

vii) The petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by



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themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

ix) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

ep/rkp

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

To

1. The Judicial Magistrate,
Neyveli.
2. Station House Officer,
DCB, Cuddalore P.S.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.

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