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Crl.O.P.Nos.15738 & 16001 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.15738 & 16001 of 2025

Ram @ Ramkumar

...Petitioner in Crl.O.P.No.15738 of 2025

A.Barith Khan

...Petitioner in Crl.O.P.No.16001 of 2025

Vs.

The State represented by,
The Inspector of Police,
CCB,
Tiruppur City - 641 602.
(Crime No.10 of 2025)

... Respondent

Common Prayer : Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.10 of 2025 on the file of respondent Police.

For Petitioner

in Crl.O.P.No.15738 of 2025 : Mr.R.Ganesh Kumar
for Mr.Vijayaragavan Marimuthu

For Petitioner

in Crl.O.P.No.16001 of 2025 : Mr.R.Ganesh Kumar

For Respondent in both Crl.O.Ps. : Mr.R.Vinothraja

Government Advocate (Criminal Side)

For Intervener in both Crl.O.Ps. : Mr.K.M.C.Arunmogan



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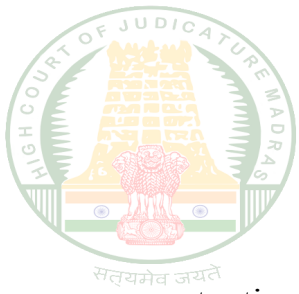
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COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences under Sections 61(2), 316(4), 317(2), 336(3), 340(2) and 344 of BNS, in Crime No.10 of 2025, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the accused, who were working at MGB Supreme Mobiles, a business firm engaged in the sale of electronic items, mobile phones and other household articles, misappropriated a sum of Rs.91,02,564/- by creating forged documents. Accused 1 to 3 are respectively the Manager and Executives of Bajaj Finance Limited, which helps customers in purchasing products on an EMI basis. The fourth accused is the Accounts Manager of the said Firm and accused 5 and 6 are the receivers of those articles. Hence the case.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners, who are arrayed as A5 and A6, are innocent and have been falsely implicated in this case. He further submitted that the petitioners are alleged to have received home appliances and mobile phones from the other accused at lesser price and thereafter sold them in the market. The specific



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contention concerning A6 is that he received the goods with proper bills only after remitting a sum of Rs.14.63 lakhs to the other accused through his bank account. Similarly, the fifth accused had also paid the amount and purchased the goods which were defective.

4. He also submitted that without prejudice to their contentions, the petitioners are willing to deposit a sum of Rs.10 lakhs each to the credit of crime number. Further, the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners.

6. Learned counsel appearing for the Intervener submitted that during the audit, goods worth Rs.91,02,564/- were found missing and not properly accounted for. He further submitted that accused Nos. 1 to 3, who are the Manager and Executives of the Bajaj Finance Limited, had colluded with A4, an Employee working under the de facto complainant and created false accounts and bills, thereby discreetly removed the articles from the de facto complainant's shop.

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



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8. Considering the submissions made by the learned counsel appearing on either side, the nature of the allegations and taking note of the voluntary undertaking given by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

9. 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 made ready, before the learned **Judicial Magistrate No.II, Tiruppur**, on condition that the petitioners shall execute separate bond each 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 petitioners shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) each to the credit of Crime No.10 of 2025 within a period of three weeks from the date of receipt of copy of this order and shall produce the proof of deposit before the learned Magistrate concerned at the time of executing the sureties;**



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[b] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[c] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[d] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required;

[e] the petitioners shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[f] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioners 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;



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[h] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

10. On such deposit being made by the petitioners, the trial Court shall re-deposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically.

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To

1. The Judicial Magistrate No.II,
Tiruppur.
2. The Inspector of Police,
CCB,
Tiruppur City - 641 602.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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