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Crl.O.P.No.19880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.19880 of 2025

Sethamarai Kannan @ Thamarai Kannan

... Petitioner

Vs.

State By,
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
Crime No.319 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.319 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



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ORDER

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The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections **406 and 420 of IPC** in Crime No.319 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioner is that the petitioner joining hands with other accused collected a sum of Rs. 43,95,000/- from the defacto complainant under the pretext of getting flat in the Housing Board and subsequently failed to honour the same. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that, the petitioner is only employed under the main accused and he had not collected any money. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, petitioner is ranked as A5 and this petitioner had collected a sum of Rs.90,000/- from the defacto complainant and he has also repaid a sum of Rs.30,000/- and subsequently failed to return



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the remaining amount. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the fact that the role of the petitioner is very limited and the major allegation is only against A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **XIII Metropolitan Magistrate, Egmore** on condition that each of the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two **sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from



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the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;

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



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

27.10.2025

sma

To

- 1.The XIII Metropolitan Magistrate, Egmore.
- 2.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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