



Crl.O.P.No.20189 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20189 of 2025

Ragupathi Muniyandi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
SRMC Police Station,
Avadi, Chennai.

(Crime No.43 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.43 of 2025 on the file of respondent Police.

For Petitioner : Mr.M.Dinesh

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

For Intervener : M/s.Saraswathi Muthaiah

ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 25.06.2025 for the offences under Section 380 of IPC in Crime No.43 of 2025, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the accused had committed theft of a money box containing a sum of Rs.48.20 lakhs cash and other identify cards from the de facto complainant's house. Further, Ramanathapuram NIBCID, had seized a sum of Rs.48 lakhs the during the election time the petitioner/A2 and A3. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. The de facto complainant had some dispute with his brother-in-law, namely Selva Peter and since the petitioner happens to be a friend of the said Selva Peter, he has been implicated in this case. He further submitted that in this case, upon discovering that the amount was missing, a complaint was lodged before the respondent on 27.02.2024 and consequently, CSR No.251 of 2024 was assigned. However, only after a period of one year i.e., on 30.01.2025, a case in Crime No.43 of 2025 came to be registered, which creates suspicion and the petitioner was made as a scape goat in this case.

4. He also submitted that the de facto complainant, who is a small time money lender providing loans to small scale businessmen, might not have had



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such a substantial income. However, he claims to have mobilised the amount for purchasing a flat and that out of Rs.48 lakhs, a sum of Rs.16 lakhs was mobilized from his sister-in-law and the remaining Rs.32 lakhs from one Vetrivel from Valasaravakkam, who hails from Ramanathapuram. In fact, the respondent Police have neither conducted any enquiry regarding the source of de facto complainant's income nor conducted any search in relation to the flat worth Rs.48 lakhs. Thus it is contended that the entire story is an imaginary one built up by the de facto complainant. He further reiterated that the respondent have not conducted any proper investigation or verified the details provided by the de facto complainant, despite being aware that the Income Tax Authorities are now conducting the investigation for the source of Rs.48 lakhs and the de facto complainant is giving explanations by citing the present case. He also submitted that no incriminating materials have been seized from the petitioner and he is suffering incarceration from 25.06.2025. Hence, he prayed for the grant of bail to the petitioner.

5. Learned counsel appearing for the intervener strongly objected for granting bail to the petitioner. She filed a typed set of papers in support of her contention, in which it is seen that CSR No.251 of 2024 dated 29.02.2024, was



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assigned by the respondent Police regarding the missing sum of Rs.48 lakhs from the de facto complainant's house. It was recorded therein that the de facto complainant had arranged by taking loan from others. However, no action was taken on the said complaint. Subsequently, a complaint was lodged before the Commissioner of Police, Avadi on 06.03.2024 referring to the pendency of the above CSR, seizure of Rs.48 lakhs by the Ramanathapuram NIBCID and the enquiry being conducted by the Income Tax Officials at Madurai. Further, a representation was sent to the Deputy Director of Income Tax on 25.04.2024, wherein, the de facto complainant produced a copy of the loan agreement dated 24.02.2024, entered into between one Vetrivel S/o.Rengaraj, Alwartirunagar, Chennai for a sum of Rs.32 lakhs and a copy of the jewel loan obtained by the petitioner's cousin sister, namely Arulpunitha, for a sum of Rs.16 lakhs. Thereafter, once again a representation was made before the Avadi Commissioner on 25.12.2024. Further, an RTI query dated 29.03.2025 was submitted to the Superintendent of Police, Ramanathapuram. In the meanwhile, the respondent registered the case in Crime No.43 of 2025 during January 2025 and arrested the petitioner.

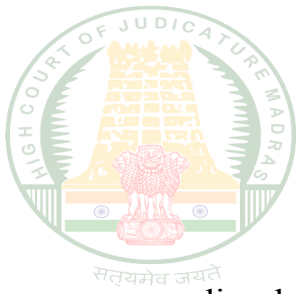


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6. With regard to the source of income and the seizure of the amount, it is for the Income Tax Authorities to be satisfied. She further submitted that the de facto complainant has all the necessary proof to satisfy the Income Tax officials. Once the Income Tax officials confirm the source of income, then the respondent can conclude the investigation. She also submitted that in this case, the Income Tax officials have seized only a sum of Rs.38 lakhs. However, the amount stolen from the de facto complainant is about Rs.48 lakhs and the remaining Rs.10 lakhs has not been accounted for, as it was shared by the petitioner along with two other absconding accused. Hence, further custodial interrogation of the petitioner is required. She further contended that at the time of commission of the offence, the petitioner was only a law student and thereafter, he got enrolled and under the garb of an Advocate, he is seeking bail, which cannot be sustained. Hence, she strongly objected for the grant of bail to the petitioner.

7. Learned Government Advocate (Criminal Side) submitted that reiterated the prosecution case and opposed for the grant of bail stating that in this case, a major portion of the amount has already been seized by the Income Tax Authorities during the election period and the adjudication proceedings are



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pending before them. He further submitted that after the Income Tax Authorities conclude their adjudication proceedings, the respondent will conduct further investigation of this case. In the meantime, other aspects of the investigation will be continued by the respondent.

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

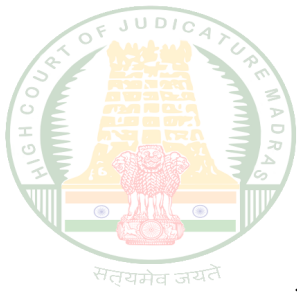
9. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, 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 No.I, Poonamallee**, and on further conditions that:

[a] 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;

[b] the petitioner shall report before the respondent Police everyday at 10.300 a.m., until further orders;

[c] the petitioner shall make himself available for



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interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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;

[f] 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]**;

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

22.07.2025

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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.

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To

1. The Judicial Magistrate No.I, Poonamallee.
2. The Inspector of Police,
SRMC Police Station,
Avadi, Chennai.
3. The Superintendent,
Puzhal Prison, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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