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CrI.OP.No.21089 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CrI.O.P.No.21089 of 2025

S.Prabakaran

... Petitioner

Vs.

State rep by,
The Inspector of Police,
CCB, Avadi Police Station,
(Cr.No.58 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner/accused No.4 on anticipatory bail in the event of arrest by the respondent police in Crime No.58 of 2025 on the file of the respondent police.

For Petitioner : Mr.M. Chandrasekaran

For Respondent : Mr.S.Udaya Kumar
Government Advocate (CrI. Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Section 316(ii), 318(iv) of BNS 2023 r/w 465, 467, 468 and 420 of IPC in Cr.No.58 of 2025, on the file of the respondent police seeks anticipatory bail.



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2. The allegation against the petitioner is that the petitioner had joined hands with other accused, collected a sum of Rs.11,00,000/- from the defacto complainant on the promise of selling a piece of land and subsequently failed to do so, thereby misappropriating the said amount. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been arrayed as A4 and that he was only an employee under A1 and A2. It is further submitted that the petitioner had collected the money on behalf of A1 and A2 and handed over the same to them. The learned counsel also submitted that the arrested co-accused have already been released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that a total sum of Rs.11,00,000/- was cheated by the accused persons, and that the arrested co-accused have already been released on bail. He further submitted that the petitioner herein had collected Rs.2,00,000/- and issued a receipt, but failed to remit the same to A1 and A2. Hence, he strongly opposed the grant of anticipatory bail to the petitioner.



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

6. Considering the facts and circumstances of the case, the submissions made by both counsels, and taking note of the fact that the arrested co-accused have already been enlarged on bail and that the petitioner is only an employee of A1, I am inclined to grant anticipatory bail to the petitioner, subject to 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 fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate -II, Ponneri** on condition that 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 learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(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 identify proofs to ensure their identity;

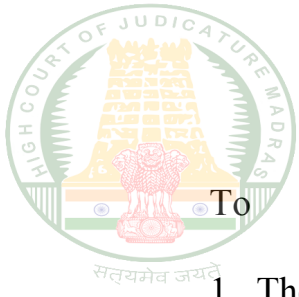
(c) The petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

26.09.2025

Vv



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To
1. The Judicial Magistrate-II, Ponneri.

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2. The Inspector of Police,
CCB, Avadi Police Station,

3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

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