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Crl.OP.No.21568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.21568 of 2025

J.Senthil Raja

... Petitioner

Vs.

State rep. By its
Inspector of Police,
V-5 Thirumangalam Police Station,
Chennai District.

... Respondent

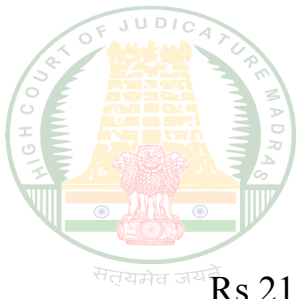
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail in the event of
arrest in Crime No.319 of 2025 pending on the file of the respondent police.

For Petitioner : Ms.Yamuna A

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)
Mr.K.M.Mohamed Ziauddin
for Intervenor

ORDER

The petitioner, who apprehends arrest for the alleged offence under
Sections 406 and 420 of IPC in Cr.No.319 of 2025 on the file of the
respondent police seeks anticipatory bail.



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2. The allegation against the petitioner is that he borrowed a sum of Rs.21,97,000/- from various persons under the pretext of arranging a house allotment in the Tamilnadu Housing Board, but failed to do so. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that there are several documents executed between the parties. The petitioner is a physically disabled person and he is only running a hostel. He further submitted that it is only a money transaction between the parties. Hence, he prayed that anticipatory bail may be granted to the petitioner.

4. The learned counsel appearing for the Intervenor submitted that the defacto complainant had paid a sum of Rs.21,08,000/- to the petitioner towards house allotment in the Tamilnadu Housing Board in favour of herself and her relatives. After receipt of the same, the petitioner/accused neither handed over the allotment orders nor returned the amount paid by him and on much persuasion and persistent follow up, the accused said to have returned Rs.12,46,000/- and Rs.8,62,000/- has to be paid. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and reported that on the pretext of arranging housing allotment, the petitioner herein had received



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money from six victims. The petitioner herein is arrayed as A1 and after registration of an FIR, no investigation is pending. However, he opposed the grant of anticipatory bail to the petitioner.

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

7. Considering the fact that the transaction itself is for illegally arranging house allotments for the defacto complainant and others and A1 has repaid some amount and remaining amount of Rs.8,62,000/- has to be paid, I am of the view that the custodial interrogation of the petitioner is not necessary in this regard and considering the manner in which, the alleged occurrence had taken place and the conduct of the defacto complainant, I am inclined to grant anticipatory bail to the petitioner.

8. 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 **Metropolitan Magistrate - XIII, Egmore, Chennai** 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 of the learned Magistrate concerned, and on further condition:

(a) If the petitioner failed to surrender before the concerned Magistrate within a period of fifteen (15) days



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from 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 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 two 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
To

1. The Metropolitan Magistrate - XIII,
Egmore, Chennai.

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2. The Inspector of Police,
V-5 Thirumangalam Police Station,
Chennai District.

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

K.RAJASEKAR, J.

Vv



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