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CrI.O.P.No.21741 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21741 of 2025

Dheenadhayalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District. (Crime No.429 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.429 of 2025 on the file of the respondent Police.

For Petitioner : M/s.S.Yogalakshmi

For Intervener : Mr.E.Ezhilarasan

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

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 17.06.2025 for the offences punishable under Section 316(4) of BNS, in Crime No.429 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the defacto complainant is the Managing Director of HLL Speciality Profiles Private Limited. The petitioner was Accountant in the defacto complainant company and the second petitioner is the in-charge of store. The petitioner along with other accused conspired together and misappropriated a sum of Rs.40,00,000/-. The petitioner and the second accused had collected money from the customers and deposited the same in their account. Hence, the complaint.

3. The contention of the petitioner is that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has not collected any money from the customers of the defacto complainant and that one Naveen Kumar was the person who handled the cash dealings and maintained the account transactions. He further submitted that the petitioner had issued a legal notice to the defacto complainant on 12.12.2024 to which, no reply has been sent and subsequently, on 15.03.2025, the petitioner had sent a re-joinder notice, which was duly received by the defacto complainant. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prayed for grant of bail.



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4. Learned counsel for the intervener submitted that the petitioner has misappropriated a sum of Rs.40,00,000/-, out of which no amount has been recovered to date. He further submitted that the petitioner has acquired two properties out of the misappropriated funds, namely an Apple mobile phone and a Honda City car, which have not yet been seized. He further contended that granting bail to the petitioner at this stage would seriously hinder the ongoing investigation and recovery proceedings. Hence, he opposed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He also submitted that the petitioner has no previous case pending against him.

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

6. Considering the submissions made by the learned counsel appearing on either side and taking note of the nature of allegation and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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



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two sureties each for a like sum to the satisfaction of the **Judicial Magistrate,**

Sulur, 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 daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for 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



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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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

05.08.2025

drl

To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
3. The Superintendent, Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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