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Crl.OP.No.21974 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

Crl.O.P.No.21974 of 2025

Rajesh Kannan

... Petitioner

Vs.

State Rep by

The Inspector of Police,

Salem City-CCB Police Station,

Salem District.

... Respondent

(Cr.No.17 of 2025)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.17 of 2025 on the file of the respondent police.

For Petitioners : Mr.K.R.Samratt

For Intervenor : Mr.B.Vasudevan

For Respondent : Mr.S.Udayakumar

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406, 418, 465, 420, 506(i) of IPC in Crime No. 17 of 2025, on the file of the respondent Police,



seeks anticipatory bail.

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2. The case of the prosecution is that petitioner is the guarantor of the loan availed by the defacto complainant. It is alleged that for the purpose of availing loan for a partnership firm in which the defacto complainant was a partner, he has come forward to mortgage his property and according to him, he mortgaged his property only for a sum of Rs.30 lakhs whereas without the knowledge of the defacto complainant, his property was mortgaged for a sum of Rs.3.90 crores and subsequently, it was revealed that defacto complainant was cheated. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that petitioner is only a guarantor of the mortgage loan availed by the defacto complainant and the said loan is also availed only through Canara Bank by executing the proper documents and loan amount was disbursed by the bank into the account of partnership firm in which the defacto complainant and some of the accused are partners. Without seeking civil remedy for rendition of accounts of the firm, police complaint is lodged. Hence, there is no criminality involved in this case. He also submits that the petitioner is ready to abide by any conditions that may be



imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that FIR was registered recently on 05.07.2025 and the investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor submitted that though the defacto complainant was approached other persons for getting a loan of Rs.30,00,000/- without his knowledge, his property was mortgaged and it was later revealed that the petitioner along with other accused shared huge amount among themselves thereby, cheated the defacto complainant. However, it is admitted by the learned counsel for the intervenor that the entire loan amount was disbursed only through the account of the partnership firm namely M/s.ALA Apparels in which the defacto complainant is partner. He further submits that the accused persons have taken away huge amount from the said account. Hence, he opposed to grant bail to the petitioner.



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6. Heard the learned counsels and perused the materials available on record.

7. Considering the facts and circumstances of the case, submissions made by learned counsels on either side, on perusal of the materials placed on record, it is seen that the property was mortgaged for the purpose of availing a mortgage loan of Rs.3.90 crores in Canara bank, by proper documentation and the said amount was deposited in the account of M/s.ALA Apparels, in which the defacto complainant is the partner. The complaint lodged *prima facie* reveals that it is lodged for the mismanagement and misappropriation of firm's amount. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.5, Salem** 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



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concerned and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen days 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 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 two 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.

09.10.2025

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To

- 1.The Judicial Magistrate No.5, Salem
2. The Inspector of Police,
Salem City-CCB Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

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