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Crl.O.P.No.30051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 30051 of 2024

Kirubanandam

...Petitioner

Vs

The State Rep. by,
The Inspector of police,
District Crime Branch,
Cuddalore-001.
(Crime.No. 25/2024).

....Respondent

For Petitioner : Mr.S.Kishore

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.25 of 2024 registered for the offences punishable under Sections 406 and 420 of BNS, 2023, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution as per the complaint lodged by the defacto complainant is as under:-

i) The defacto complainant viz., Annamalai and the petitioner/A1 viz., Kribanandam were friends when they were working in the Tamil Nadu Government Transport Corporation.

ii) On such acquaintance, the petitioner had approached the de facto complainant and giving a false assurance that he would secure a Government job for his son viz., Anbarasan, who had completed B.E. degree through his brother A2-Raja, received a sum of Rs.7,95,000/- through various bank transactions and had also collected the original certificates of Anbarasan viz., (1) Community Certificate (2) X standard mark sheet (3) XII standard mark sheet (4) Provisional Certificate (5) Degree Certificate.

iii) Thereafter, the petitioner neither kept up his assurance nor returned the money and thereby, the defacto complainant had lodged a complaint against the petitioner and his brother.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. His further submissions are as under:-

i) The petitioner/A1 and A2-Raja are brothers. A2 and one Santhosh



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were college friends from 2009 and they were doing Cashew Nut business from 2018 to 2021, thereby, there were financial transactions between them, as evident from a 'Deed of Declaration' dated 17.06.2021 and later, certain disputes arose between them and thereupon, the partnership business was wound up.

ii) The petitioner has no acquaintance with the de facto complainant at all. Through A2-Raja, the said Santhosh got acquaintance with the defacto complainant and thereupon, the said Santhosh had secured some certificates of the son of the de facto complainant.

iii) A copy of the sworn affidavit of the said Santhosh filed produced in court would disclose that the said Certificates had been in his possession having obtained the same from the de facto complainant and he had returned the same to the petitioner for producing in court.

iv) The present complaint is the outcome of the animosity developed by the said Santhosh on the dissolution of the partnership business due to some difference of opinion. The petitioner is a law abiding person and he is ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of anticipatory bail, would submit that the petitioner and his brother, on assurance of getting a Government job for



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the son of the de facto complainant, had received money to the tune of Rs.7,95,000/- from the defacto complainant and later, cheated him. He would further submit that the petitioner/A-1 had, exclusively, received an amount of Rs.2,50,000/- by way of cash and the original certificates belonging of the defacto complainant's son.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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-II, Panruti**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their



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photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]**;

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

02.01.2025

dsn/raa

A.D.JAGADISH CHANDIRA, J.

dsn/raa

To

1. The Judicial Magistrate-II, Panruti.



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2. The Inspector of police, District Crime Branch,
Cuddalore-001.

3. The Public Prosecutor, High Court, Madras.

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