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Crl.O.P.No.27699 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.27699 of 2025

Sidharthan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
District Crime Branch Police Station,
Villupuram District.
(Crime No.7 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.7 of 2025 on the file of the respondent police.

For Petitioner : Mr.Abdul Saleem,
Senior Advocate
for Mr.K.V.Dhanapalan

For Intervener : Mr.J.Srinivasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2025, for the offence punishable under Sections 380, 420, 468, 471 of IPC in Crime No.7 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner, who was engaged as a Site Engineer for the construction of the de facto complainant's house, had collected a total sum of approximately Rs.11 crores from the year 2021 to 2024 for the said construction. Subsequently, it was revealed that the petitioner had not fully utilised the funds for the intended purpose and had allegedly misappropriated an amount of about Rs.11 crores.

3. Learned counsel appearing for the petitioner submitted that the petitioner had constructed the house between 2021 and 2024 while functioning as a Site Engineer. At regular intervals, statements of accounts were prepared and verified, and the construction was duly completed. He further submitted that the de facto complainant conducted her daughter's marriage ceremony in the said constructed house. It was contended that due



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to a civil dispute between the parties, the present complaint has been lodged.

The petitioner has been in custody since 11.09.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned counsel appearing for the de facto complainant/intervener submitted that the de facto complainant had paid a total sum of Rs.11 crores over a period of three years, but the entire amount was not utilised for the construction. It was alleged that nearly Rs.5 crores had been misappropriated. He further submitted that the de facto complainant is aged about 69 years and therefore strongly opposed the grant of bail to the petitioner.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail, reiterating the prosecution case. He submitted that no money has been recovered so far and that the investigation is still in progress. He further stated that, the petitioner herein has constructed house in his native place using the cheated amount.



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6. I have carefully perused the materials available on record, including the FIR and the remand report. It reveals that a huge amount had been paid towards the construction of the house between 2021 and 2024, and subsequently, the de facto complainant lodged the present complaint alleging that the petitioner did not fully utilise the said funds. It is further alleged that the petitioner had constructed a house in his native place, which has also been identified.

7. Considering the nature of the allegations, and taking into account the period of incarceration, and the submission that, house is also constructed and a marriage ceremony of the de facto complainant's daughter also taken place at the building, and properties of the petitioner also identified, further incarceration of the petitioner is not necessary, hence this Court is inclined to grant bail to the petitioner with certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Vanur**, and on further conditions that:



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[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 for a period of three weeks, 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 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



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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.

10.10.2025

cda

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To

- 1.The Judicial Magistrate, Vanur.
- 2.The Inspector of Police,
District Crime Branch Police Station,
Villupuram District.
- 3.The Villupuram Prison.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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