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Crl.OP.No.32438 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.OP.No.32438 of 2024

Riyaz Ahmed

...Petitioner/Accused-1

Vs.

The State Rep. by
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
(Crime No.362 of 2024)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023,
to enlarge the petitioner on bail in the event of his arrest in Crime No.362 of
2024 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



ORDER

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2. The case of the prosecution is that the petitioner/A1 and other accused were working as under writers in the Star Health Insurance Company; that they had collected a sum of Rs.12,00,000/- (Rupees Twelve Lakhs only) from various persons, towards insurance policies and instead of issuing policy, they misappropriated the said amount; and that the petitioner had already returned a sum of Rs.6,40,000/- (Rupees Six Lakhs Forty Thousand only). Hence, the case.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner/A1 had already repaid a sum of Rs.6,40,000/- to the complainant; that the enquiry is pending from 24.07.2023 and the FIR was registered on 30.06.2024; that the petitioner is



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cooperating with the enquiry; and that the custodial interrogation of the petitioner is not required for the purpose of investigation as the case can be established by filing the documents. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Government Advocate (Crl.Side) and confirms the fact that the petitioner has paid Rs.6,40,000/- (Rupees Six Lakhs Forty Thousand only).

5. Considering the nature of allegations, the fact that the enquiry is pending from 24.07.2023 and the petitioner has been participating in the enquiry, the FIR was registered on 30.06.2024 and since the prosecution case can be established with the documents, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation, 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 (15) days from the date on which the order copy is made ready, before the learned

XIII Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 said Magistrate, on further condition that:

- [a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their 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 abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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



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learned Magistrate/Trial Court himself as laid down
by the Hon'ble Supreme Court in ***P.K.Shaji vs. State
of Kerala*** reported in [(2005)AIR SCW 5560];

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

03.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. The XIII Metropolitan Magistrate,
Egmore.



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SUNDER MOHAN, J.

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