



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 28484 of 2025

1. Elumalai

S/o.Kannu, 007, Pasar Salai, Colony
Pasar, Villupuram District.

Petitioner(s)

Vs

1. The State Rep by its

The Sub-Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District. in Crime No. 194
of 2025

Respondent(s)

PRAYER

To enlarge the petitioner on bail in the event of his arrest in Crime. No. 194 of 2025 on the file of the respondent police and thus render justice.

For Petitioner : Mr.R.Raji

For Respondent(s): Mr.S.Udayakumar

Government Advocate (Crl.Side)



ORDER

The petitioner apprehends arrest for the alleged offence under Sections 296(b), 351(2) and 303 of BNS Act, 2023 in Crime No.194 of 2025, on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner is a neighbour and known to the defacto complainant. While she was working at Bangalore, whenever she came to her native place, this petitioner stated that he would help her for taking money from the ATM, and taking advantage of the such relationship she withdrew nearly Rs.2 lakhs between 2017 to 2024. He also collected Rs.1, 93,000/- from the bank account and collected gold jewels worth about Rs.2, 30,000/- and refuse to return back the same. Hence the case.

3. The learned counsel for the petitioner submitted that the allegation itself is about the transactions that took place between 2017 to 2024, and the complaint was recently lodged due to a misunderstanding between the parties. The petitioner is also alleged to have had money transaction between both of them, and the same is also suppressed. Hence, prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation in this case is pending.

Hence, opposed to grant bail to the petitioner.

5. I have considered the submissions and also perused the FIR. It revealed that the transactions took place between 2017 and 2024. It is also admitted that he was regularly using the ATM card, and the money was withdrawn only by using the ATM card, hence I am inclined to grant anticipatory bail to the petitioner with certain conditions.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 made ready, before the **learned Judicial Magistrate, Thirukovilur**, 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 concerned, and on further condition:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) days from



the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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(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 identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes Neutral Citation: Yes/No

mpa



To

1. The Judicial Magistrate, Thirukovilur.

2. The State Rep by its

The Sub-Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District. in Crime No. 194
of 2025

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
mpa

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