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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.11.2025**

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.28701 of 2025

1.D.Muralidharan

2.Srilakshmi

... Petitioners

Versus

The State rep by its,
The Inspector of Police,
DCB, Cuddalore.
(Crime No.44 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioners on bail in the event of their arrest in Crime No.44 of 2025 on the file of the respondent police.

For Petitioners	:	Mr.M.Ashwin Kumar
For Respondent	:	Mr.S.Udaya Kumar, Government Advocate (Crl. Side)
For Intervener	:	Mr.P.Muthamizh Selvakumar

ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 420 and 506(1) of IPC, in Crime No.44 of 2025 seek anticipatory bail.

2.The allegation against the petitioners is that they approached the defacto complainant with a promise to making him a partner in their



partnership firm, and collected a sum of Rs.41 lakhs from the defacto complainant and his family members under various accounts. However, the defacto complainant was subsequently not included in the partnership firm as assured by the petitioners and thereby cheated him. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that a proper partnership deed was executed after fixing the respective shares between the parties and determining the role of each person, and the same was duly registered. He further submitted that the first petitioner had collected a sum of Rs.41 lakhs from the defacto complainant. He further submitted that since an arbitration clause is incorporated in the partnership deed, any alleged violation should be resolved through arbitration proceedings, instead the defacto complainant has filed the complaint, thereby giving a civil dispute a criminal colour. Hence he prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel for the intervener submitted that a huge amount was swindled by the petitioners and that the bank accounts of the petitioners were utilized for the purpose of siphoning off the amount. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the



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respondent police reiterated the prosecution case and submitted that the investigation is still pending and the FIR was registered very recently.

However, he opposed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side and on perusal of the FIR, it is revealed that though a partnership deed was entered into between the first petitioner with the defacto complainant one after another, no proof has been produced to show that the money received was used as capital for running the partnership firm. There is also no evidence to show that the firm was conducted any business or involved in any business activities. Hence, it is prima facie revealed that the first petitioner entered into a partnership deed, collected the amount and thereafter siphoned off all the money. Considering above facts, this Court is not inclined to grant anticipatory bail to the first petitioner, and this Criminal Original Petition stands dismissed in respect of the first petitioner is concerned. However, considering the overt act attributed against the second petitioner, who is the daughter of the first petitioner, this Court is inclined to grant anticipatory bail to the second petitioner, subject to certain



conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate No.II, Cuddalore* on condition that the second petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and 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 second petitioner shall report before the respondent police, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the



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learned Magistrate/ Trial Court is entitled to take appropriate action 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 Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.11.2025

drl

To

1.The Judicial Magistrate No.II,
Cuddalore.

2. The Inspector of Police,
DCB, Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

K.RAJASEKAR, J.

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