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CrI.OP.No. 31633 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO. 31633 of 2025

1.N.K.Manimaran Krishnasamy
2.P.Sathish

Petitioners

Vs

The State rep. by
The Inspector of Police
C-2, Elephant Gate Police Station
George Town, Chennai-600 108
Crime No. 240 of 2025.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of his arrest pending investigation in Crime No. 240 of 2025 on the
file of the respondent police.

For Petitioners : Mr.M.Jaisingh
For Respondent : Ms.J.R.Archana,
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 316(5), 318(4) of BNS,
2023 (409, 420 of IPC) in Crime No. 240 of 2025 on the file of the
respondent Police, seeks anticipatory bail.

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2. The allegation against the petitioners is that the 2nd petitioner was working as an employee of Kotak Mahindra Bank, and while the de-facto complainant was taking a Demand Draft, the 2nd petitioner introduced the first petitioner, and to avoid payment of service charge for Rs.16,00,000/- induced the de-facto complainant to deposit the money into account of the accused. Accordingly, the money deposited into petitioners accounts. However, after transferring the money, it was allegedly withdrawn and swindled between them. Hence the complaint.

3. The learned Counsel for the petitioners submits that the second petitioner is bank employee and the money deposited in his account was seized by the respondent police by way of an order, and he has no objection to return back the money to the de-facto complainant. Insofar as the 1st petitioner is concerned, he has also received Rs.8,00,000/- from the de-facto complainant and so far no amount has been returned back to the de-facto complainant. He further submits that the petitioners are ready to abide by any conditions imposed by this Court. He prays to grant anticipatory bail to the petitioners.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent, reiterated the prosecution case and submitted that both the petitioners had swindled a sum of Rs.16,00,000/- from the de-facto complainant and so far no amount has been recovered. However, the de-facto complainant admits that a sum of Rs.8,00,000/- has been frozen from the second petitioner's bank account. Nevertheless, he opposed granting anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, and considering the fact that already Rs.8,00,000/- has been frozen by the respondent police, I am inclined to grant anticipatory bail to the second petitioner, namely, P.Sathish. However, since no amount has been recovered from the first petitioner, namely, N.K.Manimaran Krishnasamy, I am not inclined to grant anticipatory bail to the first petitioner.

6. Accordingly, the 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 **The Metropolitan Magistrate-VII, George Town, Chennai**, 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 that:

(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[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 the identity proofs to ensure their identity;

[c] the 2nd petitioner shall report before the respondent Police daily 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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;



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

04.12.2025

MSM
To

1.The Metropolitan Magistratei-VII, George Town, Chennai.

2.TThe Inspector of Police
C-2, Elephant Gate Police Station
George Town, Chennai-600 108

Crime No. 240 of 2025.

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

MSM

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