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Crl.O.P.No.32740 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

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THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.32740 of 2025

J. Vinayagamurthy

... Petitioner/ Accused

Vs

The State Rep. By,
The Inspector of Police,
CID Police Station,
Puducherry.
(Crime No.2 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent in Crime No.2 of 2024 on the file of the respondent police.

For Petitioner : Mr. B. Vijay
For Mr. Saranraj V.

For Respondent : Mr. M.V. Ramachandra Murthy
Public Prosecutor (Puducherry)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471 and 511 of the Indian Penal Code in Crime No.2 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioner herein is that, the petitioner at the time of claiming the payments for the work carried out by him in the year 2014, some fake Government Orders were created by the accused to show that there was a work order issued to the petitioner. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a Grade “B” Contractor and he has been falsely implicated in this case; that the officials of the PWD Department, Puducherry instructed the petitioner herein to undertake the work of supplying, erecting and commissioning 26 High-mast and Mini-mast lighting systems at various junctions in Thattanchavady Assembly Constituency; that the



petitioner agreed to execute the assigned work on nomination, hence the petitioner was issued a contract letter dated 17.10.2014, with an oral direction to commence the work by arranging his own funds and the amount spent on the project would be reimbursed upon approval and ratification of the sanction from the Government; that thereby the petitioner completed the work on 14.11.2014 to the satisfaction of the authorities and the completed work was duly recorded in the official “M” book maintained by the department; that while the petitioner requested for payment, the same was repeatedly neglected by the authorities, hence the petitioner filed W.P.No.12424 of 2023 before this Court and since the petitioner's representation was not considered as per the direction of this Court, subsequently, a contempt proceeding was also initiated by the petitioner, hence the present complaint was lodged. He further submitted that the allegations in the FIR pertain to administrative lapses or procedural deviations on the part of the departmental authorities and there is no criminal act attributable to the petitioner herein; and that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioner.



4. The learned Public Prosecutor (Puducherry) appearing for the respondent while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that certain documents were forged and fake Government Orders were attached to show that there was a work order; that the specific allegation against the petitioner herein is that he is the beneficiary to the above fake orders, hence he has been arrayed as an accused in this case; and the investigation of this case is pending.

5. I have considered the submissions made on both sides and perused the materials available on record. The records show that the work had been completed in the year 2014 itself, subsequently payment approval letter was also sent to the petitioner; that since the payment was not made to the petitioner herein, there were several litigations taken place between both the petitioner and the authorities.

6. Considering the above facts and nature of allegation, I am of the view that custodial interrogation of the petitioner is not necessary for the purpose of investigation, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Chief Judicial Magistrate, Puducherry** on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;**



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K. RAJASEKAR, J.

stn

[d] 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 the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

01.12.2025

stn

To

1. The Chief Judicial Magistrate, Puducherry.
2. The Inspector of Police,
CID Police Station,
Puducherry. (Crime No.2 of 2024)
3. The Public Prosecutor,
High Court of Madras.

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