



WEB COPY



Crl.OP.No.34536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.34536 of 2025

Magesh @ Mahesh

... Petitioner

Vs.

State Rep by
Station House Officer,
Odiansalai Police Station,
Through transfer to Vigilance &
Anti Corruption Department,
Puducherry.
(Cr.No.242 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner/2nd accused in the event of his arrest by the respondent in connection with Crime No.242 of 2024.

For Petitioner : Mr.P.Sathyanathan

For Intervenor : Mr.M.R.Thangavel

For Respondent : M.V.Ramachandra Murthy
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 318(4) BNS @ 318(4) BNS r/w Section 3(5) BNS in Cr.No.242 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The prosecution case is that the petitioner is arrayed as A2 in this



case. It is alleged that A1 had promised to arrange employment in JIPMER and collected a sum of Rs.35,00,000/- from various persons and cheated them, which led to the registration of the FIR. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner was working only as a Deputy Registrar and that it is alleged he had received money from A1 for the purpose of arranging employment in JIPMER. He submitted that the petitioner was never entrusted with or allotted any portfolio relating to recruitment of staff or employment matters. He further submitted that, in the FIR itself, it is categorically stated that the defacto complainant had paid money only to A1 and a few other persons, who, in turn, misappropriated the amount and cheated him. Hence, the petitioner has been falsely implicated in this case. He further submitted that the petitioner is ready and willing to deposit a sum of Rs.5,00,000/- to show his bona fides and that he has already appeared before the respondent police, handed over his mobile phone, and fully cooperated with the investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor submitted that there are totally five victims in this case and that A1 had collected money from them. After interrogation, A1 allegedly revealed that he had handed over the money to the petitioner herein. He further submitted that no amount



has been recovered so far. Hence, he vehemently opposed the grant of anticipatory bail.

WEB COPY

5. The learned Additional Public Prosecutor (Puducherry), appearing for the respondent police, reiterated the prosecution case and, relying upon the statement of A1, submitted that the amount collected by A1 was handed over to the petitioner for arranging employment in JIPMER and that the money is yet to be recovered. He further submitted that the mobile phones of A1 and the petitioner have been recovered and sent for forensic examination and that the investigation is still pending. Hence, he opposed the grant of anticipatory bail.

6. I have considered the rival submissions and perused the materials available on record, including the FIR. The FIR reveals that A1 approached the defacto complainant and promised to arrange employment at JIPMER and, on various occasions, collected a sum of Rs.35,00,000/-. The FIR also states that A1 collected the money in connivance with a few other persons; however, nowhere in the FIR is it stated that the petitioner was directly involved in the offence. It is only in the confession statement of A1 that it is alleged that the money collected was handed over to the petitioner.

7. Taking note of the fact that the petitioner is willing to deposit a sum of Rs.5,00,000/- to show his bonafides and considering that the case has



been registered as early as 13.12.2024 and nearly one year has lapsed, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions:

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.5,00,000/- [Rupees Five lakhs Only]** to the credit of Crime No.242 of 2024 before the trial Court, on such deposit and production of proof, 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 **Chief Judicial Magistrate, Puducherry** 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 learned Magistrate concerned, and on further condition that:

(a) If the petitioner 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;

(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 daily at 10.30 a.m., for a period of four 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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 Act.

17.12.2025

Vv

To

1. The Chief Judicial Magistrate, Puducherry
2. The Station House Officer,
Odiansalai Police Station,
Through transfer to Vigilance &
Anti Corruption Department,
Puducherry.
3. The Public Prosecutor
High Court of Madras, Chennai 600 104.



WEB COPY



Crl.OP.No.34536 of 2025

K.RAJASEKAR, J.

Vv

Crl.O.P.No.34536 of 2025

17.12.2025