



CrI.O.P(MD).No.9958 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 19.06.2025

Pronounced on : 02.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CrI.O.P(MD).No.9958 of 2025

and

CrI.M.P(MD)No.7721 of 2025

Kalidass

S/o.Royal Naidu

...Petitioner/Sole Accused

Vs.

The State of Tamil Nadu rep.by

The Inspector of Police,

DCB, Tenkasi,

Tenkasi District.

(Crime No.7 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail pending investigation in Crime No.7 of 2025 on the file of the respondent.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.side)

For Intervenor : Mr.S.Gokulraj



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ORDER

The petitioner seeks bail for the alleged offences U/s.316(2), 318(4), 296(b) and 351(3) of BNS, 2023, in Crime No.7 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant and his wife are NRI. They appointed the petitioner as their power of attorney to sell their lands situated at Tenkasi District and also vested the right to operate their bank account. It is alleged that, making use of their power of attorney deed, the petitioner misused his position and siphoned off a total sum of Rs.2,30,20,100/-. Hence, the defacto complainant lodged a complaint.

3. The learned counsel for the petitioner has submitted that the petitioner is the close relative of the defacto complainant. The defacto complainant has already filed a suit in O.S.No.106 of 2025 on the file of the District Court, Tenkasi, against the petitioner for rendition of accounts. The petitioner was not paid salary and so the petitioner sent a legal notice demanding dues. So, the present case has been filed. Already, the petitioner has filed a direction petition, and the same was closed by this Court in Crl.O.P(MD)No.5663 of 2024 on 15.04.2024. The transaction between the



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parties is purely in civil nature. While the suit for rendition account is filed, there is no question of allegation of cheating. The defacto complainant has also prayed for recovery of money before the respondent police. The learned counsel further submits that the Hon'ble Supreme Court held that the police has no power or authority to recover money or act as a civil Court for recovery of money and the police has to investigate the allegations which discloses a criminal act, while quashing FIR of such allegations and relied on the order of the Hon'ble Supreme Court reported in 2024 1 ACR 983. The petitioner is in custody from 17.05.2025 for more than 45 days. The petitioner has not committed any offence as alleged by the prosecution. He is ready to abide by any condition imposed by this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police has submitted that the defacto complainant is NRI and he gave a power of attorney to the petitioner for maintaining his lands and bank accounts. But, the petitioner committed cheating and siphoned off crores of money of the defacto complainant. He would further submit that the investigation is pending, and if the petitioner grants bail, he would tamper with the evidence. Therefore, the petition may be dismissed.

5. The learned counsel for the intervening petitioner has argued that the



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petitioner was given power of attorney by the defacto complainant considering his relationship. When the intervening petitioner returned bank on 25.10.2023, he came to know that the petitioner misused the power and looted money from 20.10.2018 and swindled nearly 2 crores and 30 lakhs of the defacto complainant by way of cheating, taking advantage as the defacto complainant is NRI. The petitioner has also been involved in the same nature of crime upon the complaint given by the mother of the complainant and the same was registered in Crime No.78 of 2024 of the respondent police. Investigation is pending at the preliminary stage and the bail petition may be dismissed.

6. Heard and perused available records. It is seen from the records that the petitioner is the relative of the defacto complainant and also power of attorney was executed by the defacto complainant in favour of the petitioner to maintain his land and money transactions. It is also known that as there was a dispute arose between them, a suit in O.S.No.106 of 2025 on the file of the Principal District Court, Tenkasi was filed by the defacto complainant for rendition of accounts against the petitioner. Thereafter, this present complaint was lodged before the respondent police, the petitioner was arrested and he is inside the prison on judicial custody from 17.05.2025. The petitioner is in custody more than 45 days and the respondent police



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has not sought any custodial interrogation till now. On perusal of records, it is prima facie clear that the dispute is in civil nature. On perusal of the contents of FIR, the defacto complainant mainly prayed for recovery of money and lands. The Hon'ble Supreme Court has held in 2024 1 ACR 983, relied on by the petitioner's side that the police has no power or authority to recover money or act as a civil Court for recovery of money. Therefore, considering the above facts and circumstances and also considering the incarceration period of the petitioner, by this time most of the investigation might have been completed, this Court is inclined to grant bail to the petitioner subject to conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.1, Tirunelveli, and on further conditions 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 petitioner shall furnish his residential address and contact number to



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the learned Judicial Magistrate No.1, Tirunelveli. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.1, Tirunelveli;

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(c) On release, the petitioner shall appear and sign before the Inspector of Police of respondent police station daily at 10.00 a.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS. Consequently, the connected Miscellaneous Petition is closed.

sd/-
02/07/2025

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02/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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VSD
To

- 1.The Judicial Magistrate No.1,
Tirunelveli.
- 2.Do Through The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Superintendent, Central Prison,
Palayamkottai, Tirunelveli.
- 4.The Inspector of Police,
DCB, Tenkasi,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-7045[I] dated 02/07/2025)

ORDER
IN
CRL OP(MD) No.9958 of 2025
Date :02/07/2025

HPS/02.07.2025 /7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023