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Crl.OP.No.618 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.618 of 2026

1. A.Govindaraj
2. Navaneetha Arun

... Petitioners

Vs.

The Inspector of Police,
CCIW, CID, Salem,
Salem District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioners on anticipatory bail in the event of their arrest in Cr.No.2 of 2025 on the file of the respondent pending investigation.

For Petitioners : Mr.Punniakoti Ganesan

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 120B, 465, 467, 477, 477A, 109 and 420 of IPC in Crime No.2 of 2026, on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the petitioners are the members of the Housing co-operative society. They have colluded with management staff of the co-operative society and purchased the plot lesser than the value fixed by the management board in this regard. Thereby caused loss to the tune of Rs.41.70lakhs. Hence, the case has been registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners herein are only the members of the society and they have come forward to purchase one plot and that too by resolution passed by the board. Though it is alleged that there is loss caused to the extend of Rs.11,98,000/- and it is always open to the society to refix the amount and collect the same from the persons who have involved in selling the land for the lesser value. However, as a members, they could not held responsible for the same. Therefore, he prayed that anticipatory bail be granted to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioners by colluding with the management staffs who are the Secretary , President and Vice President, and purchased the plot lesser than the value fixed by the management board, In this regard, the loss caused to the sum of Rs.40.70lakhs. Hence, he opposed the grant of anticipatory bail to the petitioners.



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5. Heard both sides and perused the materials available on record.

6. Considering the fact that the petitioners are only purchasers of plot of the co-operative society and if any loss caused to the society it has to be made good byway of initiating appropriate proceedings, I am of the view that to investigate the case of this nature, the custodial interrogation of the petitioners is not necessary. Hence, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned ***Judicial Magistrate-IV, Salem*** on condition that each of the petitioners shall execute separate bonds 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 petitioners 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 petitioners 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;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

21.01.2026

Vv

To

1. The Judicial Magistrate IV, Salem
2. The Inspector of Police,
CCIW, CID, Salem,
Salem District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.

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K.RAJASEKAR, J.

Vv

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