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CRL OP No. 1262 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 1262 of 2026

and

CRL MP No. 4355 of 2026

Santhosh Alias K.Santhoshkumar

..Petitioner

Vs

State rep. by,
The Inspector of Police,
Central Crime Branch - I,
Vepery, Chennai - 600 007.

..Respondent

Prayer: Criminal Original Petition filed under section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in Cr.No.125 of 2024 on the file of respondent police.

For Petitioner: Mr.R C Paul Kanagaraj

For Respondent: Mr.P.Dhileepan
Government Advocate (Crl.Side)

For Intervenor: Mr.V.Sivalingam

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 408, 420, 477A, 120B of IPC in Crime No.125 of 2024 on the file of the



respondent police seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with other accused has misappropriated money of the de facto complainant company. The firm's money collected by A1 was depositing and transferred to A2, instead of returning to the customers. An amount of Rs.1 crore 97 lakhs has been misappropriated by the petitioner. Hence, this complaint.

3. The learned counsel for the petitioner submitted that this petitioner is arrayed as A2. He further submitted that according to the prosecution, he is an employee in Yoga Agencies, VS Enterprises and Sri Padma Venture. He further submitted that though this petitioner was named in FIR, there is no specific overt act against this petitioner and he is only a Collection Agent whereas A1 is the authorised person to deal with all transactions. A1 was already enlarged on anticipatory bail in Crl.MP.No.1708 of 2025 dated 27.02.2025 and A4 and A5 were also enlarged on anticipatory bail in Crl.MP.No.819 of 2025 dated 05.02.2025. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. At this juncture, the learned counsel for the Intervenor submitted that since those accused have no role to play in the occurrence, and series of misappropriation is only against this petitioner and the petitioner cannot seek



parity.

5. The learned Government Advocate (Crl.Side) also reiterated such submission and submitted that they have already initiated steps for cancellation of the bail application against A1.

6. I have given anxious consideration to the submissions made by the learned counsel on either side.

7. Considering the facts and circumstances of the case and the allegation against this petitioner, according to FIR, he was only an employee and no other specific overt act has been pleaded. Though the learned counsel for the intervenor submitted that the bank records showed a sum of Rs.1.97 crores is credited in his account, and that they came to know about such thing, only through the bank statement, while looking to the factual position, the allegation against this petitioner is a sum of Rs.1.97 crores was misappropriated by the petitioner. But the occurrence was between 2019 and 2022 and FIR was registered on 14.06.2024. Also, the co-accused A1, A4 and A5 were already granted anticipatory bail. Hence, this Court is of a firm view, at this length of time, no custodial interrogation of the petitioner is required. Hence, this Court is inclined to enlarge the petitioner on bail subject to certain stringent conditions.



8. Accordingly, 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 is made ready, before the **learned Metropolitan Magistrate for CCB & CBCID cases, Egmore, 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 conditions:

(i) **The petitioner is ordered to be enlarged on bail on condition that the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.125 of 2024 on the file of the respondent police within a period of four weeks from the date of receipt of a copy of this order.**

(ii) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalised Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Original Petition.

(iii) If the petitioner fails to surrender before the concerned learned 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;



(iv) 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;

(v) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

(vi) 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]*;

(vii) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

06-04-2026

SHL

To:

1. The Metropolitan Magistrate for CCB & CBCID cases,
Egmore, Chennai

2. The Inspector of Police,
Central Crime Branch - I,
Vepery, Chennai - 600 007.



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