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CRL OP No.5740 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5740 of 2026

A.Balaji,
S/o.Minbahadur
No.19/4, Kamarajar Street,
Chakkaravarthy Nagar,
Ayanavaram,
Chennai – 600 023.

...Petitioner/Accused

Vs

The State rep. by
The Inspector of Police,
T-17, Perumbakkam Police Station,
Crime No.21/2026.

...Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the accused/petitioner on bail in the event of his arrest pending investigation in T-17 Perumbakkam Police Station, Cr.No.21/2026 on the file of the respondent police.

For Petitioner : Mr.Lokesh Babu A

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

ORDER

The petitioner, who apprehends arrest for the alleged offences **under Sections 316(4), 318(4) and 344 of the Bharatiya Nyaya Sanhita (BNS),**



2023, in Crime No.21 of 2026, on the file of the respondent police, seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner has misappropriated a sum of Rs.50,90,887/- (Rupees Fifty Lakhs Ninety Thousand Eight Hundred and Eighty Seven Only). Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an employee in the *de-facto* complainant's concern and he has not committed any offence as alleged by the *de-facto* complainant. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and the petitioner is ready to cooperate for the investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, submitted that the petitioner had misappropriated a sum of Rs.50,90,887/- and partly paid a sum of Rs.16,00,000/- and failed to pay the remaining amount. The learned Government Advocate (Crl.Side) confirms that the co-accused was enlarged on anticipatory bail in Crl.O.P.No.4590 of 2026 dated 25.02.2026. However, he strongly opposed to grant anticipatory bail to the petitioner.



5. Heard the submission made by the learned counsel on either side and perused the materials available on record.

6. The learned counsel for the petitioner would submit that the petitioner is an employee in a *de-facto* complainant's concern, and according to the prosecution, the petitioner has misappropriated Rs.50,90,887/- (Rupees Fifty Lakhs Ninety Thousand Eight Hundred and Eighty Seven Only) and in the course of the FIR, he has settled Rs.16,00,000/- (Rupees Sixteen Lakhs Only). The learned counsel for the petitioner would further submit that the co-accused was enlarged on anticipatory bail in Crl.O.P.No.4590 of 2026 dated 25.02.2026.

7. Taking into consideration of the fact that the date of occurrence on 26.05.2025 and the FIR was registered on 22.01.2026, and the issue is in respect of misappropriation of funds from the *de-facto* complainant's concern, and upon the fact that the petitioner so far has settled Rs.16,00,000/- (Rupees Sixteen Lakhs Only) to the *de-facto* complainant and upon the fact that the co-accused is already released on the anticipatory bail, at this length of time, no custodial interrogation of the petitioner is required. Hence, this Court is inclined to, on parity, enlarge him on anticipatory bail, subject to certain conditions:



8. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate No.II, Alandur**, 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:

(a) **The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.21 of 2026, at the timing of executing sureties before the learned Judicial Magistrate concerned, further the learned Magistrate concerned shall redeposit the same in any interest bearing Scheme in any one of the Nationalized Bank till the disposal of the case or any settlement arrived between the parties;**

(b) 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;

(c) 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;



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(d) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for the interrogation;

(e) 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]*;

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

26-03-2026

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To

1. The Judicial Magistrate – II,
Alandur.
2. The Inspector of Police,
T-17, Perumbakkam Police Station.
3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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