



WEB COPY

CRL OP No. 6091 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6091 of 2026

1. V.Krishnamurthy
S/o.Venkatesan,
No.257/2, Kavarapalayam Road,
Kavarapalayam,
Vellore-632509.
2. Sathishkumar Thirupathy
S/o.Thirupathy,
D.No.5/180, Mel Street,
Nakkalpatti,
Modikuppam,
Krishnagiri-635203.

..Petitioner(s)

Vs

The State rep.by,
The Inspector of Police (Crime),
St.Thomas Mount Police Station,
Chennai.
Cr.No.not known of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to grant anticipatory bail in the event of their arrest to the petitioners in connection with the complaint pending enquiry on the file of S-1 St.Thomas Mount Police Station, Likely to be registered as a case in Cr.No.not known of 2026, and pass such further or other orders as this Honble Court.

For Petitioner(s): Mr. S.Manimaran

For Respondent(s): MR.P.DHILEEPAN,
GOVT.ADVOCATE (CRL SIDE)



For Intervener:

Mr.V.S.SENTHILKUMAR

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 318(4) of BNS, 2023 in Crime No. Not Known of 2026, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioners is that the petitioners were employed in the defacto complainant's workshop for sales and service, and during the course of their employment, they misappropriated stocks worth a sum of Rs.65 lakhs. It is further alleged that they admitted such misappropriation in the year 2024 and promised to settle the amount, but failed to do so. Hence, the present complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioner are innocent and have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He further submitted that the FIR was registered on 03.03.2026 under Section 306 of BNS, which have the punishment up to 7 years. Hence, he seeks anticipatory bail to the petitioners.

4. The learned counsel for the intervener submitted that unless the



petitioners are taken into custody for identifying the misappropriated property or the layering of the money, it could not be done. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that FIR was initially registered under Section 306 of BNS and subsequently, altered into Sections 316(2) and 318(4) of BNS, which have the maximum punishment of seven years. However, he opposed to grant anticipatory bail to the petitioners.

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

7. Admittedly, the defacto complainant came to know about the alleged misappropriation in the year 2024, whereas the complaint came to be lodged only in the year 2026. In such circumstances, this Court is of the view, custodial interrogation of the petitioners is not required. Further, the offences alleged have maximum punishment of seven years. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, 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 is made ready, before the **learned Judicial Magistrate Court No.I, Alandur, Chennai**, on condition that **the petitioners shall execute a separate 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) If the petitioners 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;

(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 daily at 10.30 am for a period of one month 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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DRL

To

1.The Judicial Magistrate Court No.I,
Alandur.

2.The Public Prosecutor,
High Court, Madras.

3.The Inspector of Police (Crime),
St.Thomas Mount Police Station,
Chennai.
Cr.No.not known of 2026.



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C.KUMARAPPAN, J.

DRL

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(2/2)**

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