IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13961 of 2025

T Palanivelu

..Petitioner(s)

Vs

The Inspect of Police,
Central Crime Branch,
EDF-1, Team-II,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.
(Ref: Crime No.59/2023)

..Respondent(s)

P.Manivelan

..Respondent(s)

[Permitted to intervene vide order dated 20.04.2026 made in Crl.M.P.No.12014/2025 in Crl.O.P.No.13961/2025]

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the Petitioner/5th Accused on Anticipatory in the event of his arrest pending investigation in Cr.No.59/2023 on the file of the respondent and thereby render justice.

For Petitioner(s):	Mr.P.R.Raman Senior Counsel For Mr.Suresh J
For Respondent(s):	Mr.P.Dhileepan Government Advocate (Criminal Side)
For Intervener(s):	Mr.R.Vinayaga Vishnu

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for offences punishable under Sections 406, 420, 465, 468, 471, 506(1) and 120B of the Indian Penal Code (IPC), 1860, in Crime No.59 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that one Mr.Manivelan, acting on the strength of a Power of Attorney from his elder brother, Mr.P.Rajarathinam, filed a private complaint before the Egmore Magistrate Court. Finding *prima facie* material, the Court directed an investigation, pursuant to which an FIR was registered by the respondent police on 17.02.2020. The prosecution alleges that Mr.P.Rajarathinam, a Director of various companies with properties across Tamil Nadu, was residing abroad. Taking advantage of his absence, the accused allegedly committed criminal breach of trust, disposed of immovable properties, and misappropriated shares for personal gain. The value of the properties purportedly swindled is approximately Rs.1,500 crores, thereby cheating the principal. Hence, the case.

3. The learned Senior Counsel for the petitioner submits that the present FIR was registered on 17.02.2020 for occurrences that allegedly took place between 1990 and 2002. It is the submission of the learned Senior Counsel that

the sole allegation against the petitioner is that he took over M/s.Maxworth Orchards (India) Ltd., which the prosecution claims belongs to the defacto complainant and, after being appointed as a Director, illegally sold certain company properties. The learned Senior Counsel further contends that the de facto complainant's brother never appointed the petitioner as a Director of the Company; rather, it was one Mr.Subramaniam, the original promoter of company, who appointed him. Therefore, the very foundation of the allegations in the FIR is defective. It is also submitted that the petitioner has been appearing regularly in response to summons issued by the respondent police. However, in April 2025, the police abruptly searched the petitioner's premises in both Chennai and Coimbatore and, under the guise of investigation, seized several property documents. This sudden action necessitated the petitioner to file the present application for relief.

4. At this juncture, the learned counsel for the intervener vehemently objected to this application, submitting that the petitioner has sold property belonging to the intervener worth Rs.1,500 crores. He further contended that unless the petitioner is taken into custodial interrogation, it will be extremely difficult to trace the trail of the funds or identify the whereabouts of the money.

5. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police, while opposing the grant of anticipatory bail to

the petitioner, reiterated the prosecution case and on instructions submitted that the that the petitioner has created a shell company and is neither a director nor a shareholder in M/s.TJ Reals Limited. Consequently, he submitted that the custodial interrogation of the petitioner is essential for the progress of the investigation.

6. Upon considering the factual position, the offences charged against the petitioner are under Sections 406, 420, 465, 468, 471, 506(1), and 120B of the Indian Penal Code (IPC), 1860. It is observed that these offences primarily carry a maximum punishment of seven years. Furthermore, the alleged occurrences took place between 1990 and 2002, yet the FIR was registered only in 2020, and the subsequent search of the petitioner’s residence was conducted as recently as April 2025. Considering this significant lapse of time and the nature of the allegations, this Court must balance the requirements of the investigation with the petitioner's right to liberty.

7. In view of the fact that the petitioner has no prior bad antecedents, has consistently cooperated with the summons issued thus far, and given that the evidence is primarily documentary in nature—much of which has likely been seized during recent searches, this Court is of the firm view that custodial interrogation is not strictly necessitated at this stage. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, 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 Chief Metropolitan Magistrate, 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:

(a) If the petitioner(s) 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 petitioner(s) shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) 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(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

20-04-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Jeni

To

1.The Chief Metropolitan Magistrate, Egmore, Chennai.
2.The Inspect of Police, Central Crime Branch, EDF-1, Team-II,
Office of the Commissioner of Police, Vepery, Chennai-600 007.
3.The Public Prosecutor, High Court of Madras, Chennai

C.KUMARAPPAN, J.

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