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CRL OP No. 13892 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13892 of 2026

S.M.Samy

..Petitioner

Vs

State rep. by
The Inspector of Police,
CCB, Coimbatore City.
(Cr.No.34 of 2025)

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with the FIR in Crime No.34 of 2025 before the Respondent Police.

For Petitioner:

Mr.J.Ravindran, Senior counsel
for U.Baranidharan

For Respondent:

Mr.N.Palanivel,
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 120B, 406, 420 of Indian Penal Code, 1860 and 296(b), 351(3) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of women Act 2002, in Crime No.34 of 2025 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 Rs.26,00,000/- from the de facto complainant by way of Demand Draft bearing No.254739. Hence, the case.

3. The learned counsel for the petitioner submitted that the occurrence took place in 2016, whereas the complaint was registered only in 2025. It is the specific submission of the learned counsel for the petitioner that the petitioner being the 2nd accused stands on the same footing as that of the 3rd accused, who has already been granted anticipatory bail by this Court in Crl.OP.No.8573 of 2026 dated 09.04.2026. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and fairly conceded that the co-Accused has already been enlarged on anticipatory bail. However, he opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the facts and circumstances of the case, taking note of the



submissions made by the learned counsel on both sides, as rightly contended by the learned Senior counsel, the 2nd accused stands in the same footing as that of the 3rd accused. Thus, this Court is of the view that this petitioner is also entitled to have parity as that of the co-accused. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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 Judicial Magistrate No.VII, Coimbatore**, 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 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 shall report before the respondent Police, everyday twice at 10.30 a.m., and 05.30 p.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 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]***;

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

10-06-2026

SHL/NSL

To

1. The Judicial Magistrate No. VII,
Coimbatore.

2. The Inspector of Police,
CCB, Coimbatore City.

3. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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