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CRL OP No. 13975 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13975 of 2026

V.Raja

..Petitioner

Vs

State Rep. by
The Inspector of Police,
Kavarapettai Police Station,
Tiruvallur.
Crime No. 188/2025.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge on bail to the petitioner/Accused in Crime No. 188/2025 on the file of the respondent police.

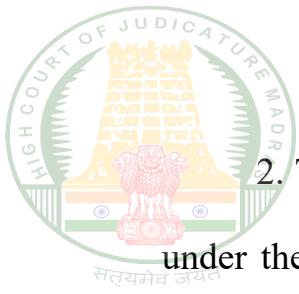
For Petitioner: Mr.R.Radha Pandian

For Respondent: Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu (Crl.Side)

For Intervenor: Mr.S.Kamalakaran
for Ms.K.Jayasudha

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.04.2026 for the alleged offences under Sections 3(5), 316(4) and 344 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.188 of 2025 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner and A1 were working under the defacto complainant's construction company and that they allegedly fabricated various bills in the names of contractors and misappropriated a sum of Rs.2,03,38,300/-. Out of the said amount, a sum of Rs.96 lakhs was allegedly transferred to the account of the petitioner/A2, thereby causing wrongful loss to the defacto complainant. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the case. He would submit that the petitioner was arrested on 14.04.2026 and there are only two accused in the case and this petitioner is arrayed as A2. It is further submitted that the petitioner is ready to cooperate with the investigation. Hence, he prays to grant bail to the petitioner.

3. The learned counsel appearing for the intervenor submitted that there are about five accused involved in the occurrence and though A1 has already been enlarged on bail, the same was granted subject to certain conditions regarding payment of amount. Therefore, if this Court is inclined to enlarge the petitioner on bail, similar conditions may also be imposed upon him.

4. The learned Counsel for Government of Tamil Nadu (Crl.Side) appearing for the respondent submitted that the contention of the intervenor



deserves consideration and he opposed to grant bail to the petitioner.

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

6. This Court is of the view that though the contention of the learned counsel for the intervenor appears to be attractive, the Hon'ble Supreme Court has repeatedly held that while granting bail, conditions directing deposit or repayment of the alleged cheated or misappropriated amount should not ordinarily be imposed. Accordingly, taking into consideration of the incarceration of the petitioner since 14.04.2026 and the further fact that A1 has already been enlarged on bail, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **District Munsif-cum-Judicial Magistrate, Gummidipoondi**, and subject to the following conditions:

[a] 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



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Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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NSL

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

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1. The learned District Munsif Cum Judicial Magistrate, Gummidipoondi.
2. The Central Prison II, Puzhal, Chennai.
3. The Inspector of Police, Kavarapettai Police Station, Tiruvallur.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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