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Crl.O.P.No.34649 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.34649 of 2025

B. Krishnamoorthy

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
EOW Police, Tiruvannamalai,
(Crime No.01 of 2025)

... Respondent/ Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.01 of 2025 on the file of the respondent police.

For Petitioner

: Mr. R. Anbukarasu

For Respondent(s)

: Mr. A. Gopinath
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 14.11.2025 for the offences punishable under Sections 408, 471, 477A and 120(B) of IPC in Crime No.01 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner herein is that, while the petitioner was serving as a Secretary of the Kalasapakkam Primary Agricultural Co-operative Society, the petitioner along with other accused by creating false entries in the jewel loan ledgers, misappropriated a sum to the tune of Rs.2,48,17,301/- from the society, hence a complaint was lodged by the defacto complainant, who is the Deputy Registrar of Co-operative Societies, Tiruvannamalai before the respondent police, a case was registered and subsequently, the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case; that the petitioner's wife namely G.Gayathri had filed an affidavit dated 19.12.2025 stating that the immovable properties belongs to her cited in paragraph No.3 of the said affidavit were already been attached by the concerned Primary Co-operative Credit Society under Proceedings CAM No.02/2023-2204



(Rc.No.843/2024/SF) dated 25.03.2024; that challenging the same, the petitioner's wife had filed a writ petition in W.P.No.33335 of 2024; that however, the petitioner's wife has now voluntarily come forward to offer the aforesaid mentioned immovable properties in the affidavit, which is the subject matter in the above stated writ petition as security in the present bail proceedings and stated no objection to create charge over the said properties and also ready to deposit the original title deeds of the said properties; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that already some of the properties of the petitioner's wife was attached for the purpose of recovery; that however, the petitioner's wife had filed a writ petition challenging the said attachment in W.P.No.33335 of 2024 and this Court, vide interim order dated 08.11.2024 kept the said attachment order in abeyance; that no money has been recovered in this case; and that the investigation of this case is pending.

5. In reply, the learned counsel appearing for the petitioner submitted that the petitioner's wife had already given letter to the Registry



through her counsel namely L.P.Shanmugasundaram to withdraw the above said writ petition in W.P.No.33335 of 2024 and she has also stated no objection to the charge being created over the immovable properties mentioned in her affidavit in connection with these cases and also ready to deposit the original title deeds of those properties before the learned Magistrate Court concerned.

6. Considering the submissions made, facts and circumstances of the case, the fact that the petitioner's wife is ready to withdraw the writ petition filed by her challenging the attachment proceedings and also ready to deposit the original title deeds of the immovable properties mentioned in her affidavit before the learned Magistrate Court concerned and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 each**, for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Thiruvannamalai** and on further conditions that:

[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 Practice, 2019'].

The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner's wife namely G.Gayathri shall comply with her affidavit dated 19.12.2025 and appear before the learned Judicial Magistrate-II, Thiruvannamalai and produce the order copy of this Court regarding the withdrawal of the writ petition in W.P.No.33335 of 2024 and shall deposit the certified copies of title deeds of the immovable properties mentioned in her affidavit before the learned Judicial Magistrate-II, Thiruvannamalai at the time of executing the sureties by the petitioner herein.

[c] the petitioner shall report before the respondent police daily at 10:30 a.m., until further orders;

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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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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

1. The Judicial Magistrate-II,
Thiruvannamalai.
2. The Inspector of Police,
EOW Police, Tiruvannamalai,
(Crime No.01 of 2025)
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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