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Crl.O.P.No.35492 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.35492 of 2025 and
Crl.M.P.No.397 of 2026

1.Yogananda Prabhu
2.Y.Vishnu

... Petitioners / A1 & A2

Vs.

State of Tamil Nadu,
Rep. by Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.369 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on bail in event of arrest pending investigation in Crime No.369 of 2025 on the file of the respondent police.

For Petitioners : Mr.Karthik Lakshmanan AR
For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)
For Intervenor : Mr.M.Raja

ORDER

The petitioners apprehend arrest for the alleged offence **under Sections 305(a), 318(4) & 351(2) of BNS, 2023** in **Crime No.369 of 2025** on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the first petitioner is the Managing Director of the Company in which the defacto complainant is one of the shareholder, by fabricating some records diverted 6 crores worth about machineries for the benefit of A1 in this case. Hence, a complaint has been lodged and a case has been registered.

3. The learned counsel for the petitioners submitted that the first petitioner has not fabricated any records and that the first petitioner is only a Managing Director and the petitioners managed the affairs of the company diligently and that there is no misappropriation as alleged in the complaint. He further submitted that the defacto complainant is not a shareholder and that the issue involved in this case is purely civil in nature and that the petitioners are ready to co-operate with the investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor submitted that the petitioners herein is also one of the shareholder, and her father's shares have been misused by fabrication of records. Hence, she has come forward to lodge a complaint and also to protect the interest of the company. 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 the defacto complainant's father A1 was holding 10% shares the company and there are fabrication of records and Rs.6 crores worth about machineries have been diverted for the benefit of A1 in this case and that the investigation in this case is still pending. Hence, she opposed to grant anticipatory bail to the petitioners.

6. Considering the fact that the entire allegations levelled in this case is concerned with the transfer of shares and diverting machineries, which meant to utilize for the purpose of running the company, I am of the view that since already transactions are borne out of records and also it is the affairs of the company, and to investigate the case of this nature, custody of petitioners is not necessary, hence, I am inclined to grant anticipatory bail to the petitioners, 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 Principal**



Sessions Judge, Salem, 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, everyday at 10.30 a.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 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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Consequently, the connected miscellaneous petition stands ordered.

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To:

- 1.The Principal Sessions Judge, Salem.
- 2.The Inspector of Police, Kitchipalayam Police Station, Salem District.
- 3.The Public Prosecutor, High Court of Madras.

K.RAJASEKAR,J.

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