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Crl.O.P.No.36124 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2026

CORAM

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.36124 of 2025 and
Crl.M.P.No.284 of 2026

S.Arunkumar

... Petitioner

Vs.

State of Tamilnadu
Rep. by its Inspector of Police,
Kavaraipettai Police Station,
Tiruvallore District.
(Crime No.188 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.188 of 2025 on the file of the respondent police.

For Petitioner	:	Mr.Hari K
For Respondent	:	Ms.J.R.Archana, Government Advocate (Crl.Side)
For Intervenor	:	M/s.Rashmitha M.K For M/s.K.Jayasudha

ORDER

The petitioner apprehends arrest for the alleged offence **under Sections 316(4) and 344 of BNS Act in Crime No.188 of 2025** on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that the petitioner is ranked as A3 who is the brother of A1 in this case. While A1 and A2 working under the defacto complainant's construction activities, they misappropriated sum of Rs.2.03 crores and it is further alleged that the petitioner's bank account is also used for siphoning the funds and that the petitioner is also been added as an accused in this case.

3. The learned counsel for the petitioner submitted that the allegation against the petitioner is that by using his account, Rs.8 lakhs money was transferred by other accused. He further submitted that today, the petitioner has filed affidavit of undertaking that he will deposit a sum of Rs.8 lakhs to the credit of crime number in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submitted that the petitioner though ranked as A3, the account statement revealed that the petitioner's bank account has also been utilized for the business transactions and the petitioner has also withdrawn a sum of Rs.8 lakhs. Hence, she opposed to grant anticipatory bail to the petitioner.



5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that total sum of Rs.2.03 crores involved in this case and out of which, a sum of Rs.8 lakhs have been transacted through the bank account of the petitioner herein and the investigation of this case is still pending. Hence, she opposed to grant anticipatory bail to the petitioner.

6. Considering the facts as stated above; and taking note of the submissions made by the learned counsel on both sides; the nature of allegations levelled against the petitioner; and also considering the fact that the petitioner has voluntarily come forward and filed undertaking affidavit stating that he will deposit a sum of Rs.8 lakhs to the credit of crime number in this case, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. 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 District Munsif cum Judicial Magistrate, Gummidipoondi, Tiruvallore District**, 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 deposit a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the credit of Crime No.188 of 2025 at the time of executing the sureties before the learned Magistrate concerned, further the learned Magistrate concerned shall redeposit the same in any interest bearing Scheme in any one of the Nationalized Bank till the disposal of the case or any settlement arrived between the parties;**

(d) **The petitioner 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.

Consequently, the connected miscellaneous petition stands ordered.

03.02.2026

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To:

1.The District Munsif cum Judicial Magistrate,
Gummidipoondi, Tiruvallore District.

2.The Inspector of Police,
Kavaraipettai Police Station,
Tiruvallore District

3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR,J.

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