



Crl.O.P.Nos.1201 & 1222 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.1201 & 1222 of 2025

T. Raja Singh

.... Petitioner in Crl.O.P.No.1201 of 2025

1. Dhamodharan

2. Pradeep

3.Prabhu

.... Petitioners in Crl.O.P.No.1222 of 2025

Vs.

The State represented by,
The Inspector of Police,
D1, Triplicane Police Station,
Chennai.

(Crime No.536 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.536 of 2024, pending investigation on the file of the respondent Police.

For Petitioner in Crl.O.P.No.1222 of 2025 : Mr.R.Vivekananthan

For Petitioner in Crl.O.P.No.1201 of 2025 : Mr. S.Seenuvasan

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

For Intervenor : Mr.S.Vinod Kumar



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ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 17.12.2024 and 19.12.2024 respectively, seeking bail in Crime No.536 of 2024 registered for the offence under Sections 126(2), 309(4) and 351(2) of BNSS.

2. The case of the prosecution is that on 16.12.2024 at about 07.30.p.m., the defacto complainant was intercepted by A4, petitioner in Crl.O.P.No.1201 of 2025 who was working as Sub Inspector of Police, on suspicion that he was carrying ganja and on search, he found unaccounted money of Rs.20 lakhs and he inturn informed the petitioners in Crl.O.P.No.1222 of 2025, who were working in the Income Tax Department and they seized the said amount and all of them misappropriated it.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submit that the money has been recovered by the respondent police and the further custody of the petitioners are not required in this case. He



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also submitted that the petitioners are in custody from 17.12.2024 and 19.12.2024 respectively and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned counsel for the defacto complainant/intervenor submitted that, the petitioners are habitual offenders, that the defacto complainant lost a huge sums of money and have no indulgence should be shown as the respondent police had not informed about seizure before the Magistrate and therefore the defacto complainant is unable to file an application seeking return of money.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that, the money has been recovered from the petitioners and the respondent police would produce the same before the learned Judicial Magistrate as expeditiously as possible. He further submitted that, the respondent came to know later that one more offence was committed by the accused persons, an FIR was also registered in Crime No.43 of 2025 and the petitioners were not arrested in the said case.



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6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. The petitioners are in custody from 17.12.2024 and 19.12.2024 respectively. The alleged money said to have been taken by them from the defacto complainant has been seized. The respondent has undertaken to produce the cash or inform about the seizure to the Magistrate forthwith. The question as to whether the petitioners are guilty of the offence is to be adjudicated by the trial Court. The petitioners have not been arrested in the other case. Hence, considering the period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **II Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560]***;

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

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To

1. II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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