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CrI.O.P.No.2582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.2582 of 2025

Gunasekaran

... Petitioner

Vs.

The State Represented by,
The Inspector of Police (L & O),
T-19, Kelambakkam Police Station,
Pallikaranai, Chengalpattu District.
(Crime No.408 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.408 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. M.P. Yuvaraj

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



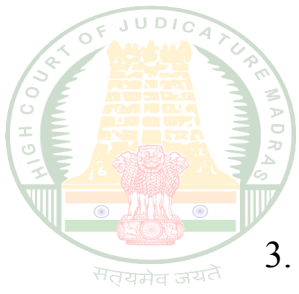
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ORDER

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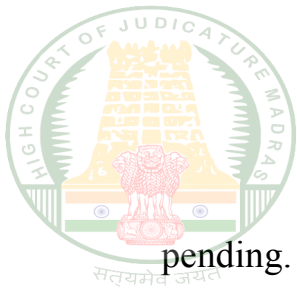
Petition seeking bail in respect of Crime No.408 of 2024 registered for the alleged offences punishable under Sections 126(2), 115(2), 308(2), 308(5), 310(2), 316(2), 318(4) and 351(2) of BNS, 2023, is on board for consideration.

2. The case of the prosecution is that, on 31.12.2024, the defacto complainant lodged a complaint before the respondent police stating that, the defacto complainant is a Pawn Broker and got acquainted with A1 through Facebook and developed friendship. It is further stated that on 30.12.2024, A1 called defacto complainant over phone and informed him that he is having Rs.4,00,00,000/- money and asked the defacto complainant to collect it and keep it with him; hence believing the same, the defacto complainant and his friends went to the spot stated by A1, where the defacto complainant and his friends were attacked by the petitioner herein and other accused persons; and there A1 and others snatched 3 golden rings worth about 1 sovereign, Rs.70,000/- worth VIVO mobile phone, and besides compelling the defacto complainant to withdraw money of Rs.3,70,000/- by way of cash and from ATM and to pay by G-pay account. Hence, this case.



3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and falsely implicated in this case and has not committed any offence as alleged by the prosecution. He also submitted that the petitioner has been arrested and remanded to judicial custody on 01.01.2025. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the investigation. He further submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.50,000/- to the credit of Crime No.408 of 2024, therefore, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for granting of bail to the petitioner submitted that the petitioner along with other accused persons threatened and attacked the defacto complainant, thereby snatched three golden rings, taken away mobile phone worth about Rs.70,000/-, persuaded the defacto complainant to withdraw Rs.1,50,000/- from the ATM and another Rs.50,000/- through G-Pay and Rs.1,70,000/- from him by way of cash. He also submitted that the petitioner herein has no previous case and further investigation is



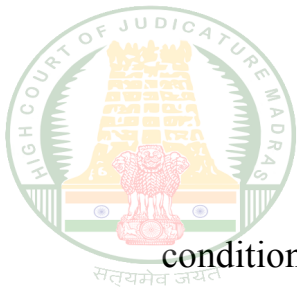
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5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of allegation, the submissions made by the learned counsels on either side, the voluntary submission made by the learned counsel for the petitioner, that the petitioner is ready to deposit a sum of Rs.50,000/- to the credit of Crime No.408 of 2024, the period of incarceration, the fact that the petitioner has no previous cases and since further custody of the petitioner is not required for the purpose of investigation, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate Court, Thiruporur** 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 petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousands only) to the credit of Crime No.408 of 2024 before the learned Magistrate concerned and on such deposit, the learned Magistrate concerned shall re-deposit the same to any of the Nationalized bank under interest bearing scheme and disburse the same, at the time of completion of the trial.

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

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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SUNDER MOHAN, J.

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action against the petitioner in accordance with law as if the 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)AIR SCW 5560]*;

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

03.02.2025

stn

To

1. The District Munsif cum Judicial Magistrate,
Thiruporur.
2. The Inspector of Police (L & O),
T-19, Kelambakkam Police Station,
Pallikaranai, Chengalpattu District.
3. The Superintendent,
Central Jail, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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