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CRL O.P. Nos.4554 & 4557 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. Nos.4554 & 4557 of 2025

Dhamaodharan ... Petitioner in Crl.O.P.No.4554 of 2025

1.Pradeep

2.Prabhu ... Petitioners in Crl.O.P.No.4557 of 2025

Versus

State by,
The Inspector of Police,
F-4, Thousand Lights Police Station,
(Crime No.43 of 2025) ... Respondent in both the petitions

COMMON PRAYER: Criminal Original Petitions filed under Section 483 of B.N.S.S., praying to enlarge the petitioners on bail pending investigation in Crime No.43 of 2025 on the file of the respondent Police.

For Petitioners : Mr. K. Srinivasan, Senior Counsel for
Mr. R. Vivekananthan.

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side).



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COMMON ORDER

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These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 04.02.2025, seeking bail in Crime No.43 of 2025 registered for the offence under Sections 126(2), 127(2), 239, 240, 199, 256, 316(5), 314, 318(2), 308(3) and 351(2) of BNS.

2.The case of the prosecution is that the petitioners are working as Income Tax Officers; and that on 12.12.2024, they intercepted one Thamim Ansari and seized a sum of Rs.40,00,000/- and instead of remitting the same, they remitted only Rs.20,00,000/- and did not account for remaining Rs.20,00,000/-. Hence, the case.

3.The learned Senior Counsel appearing for the petitioners would submit that the petitioners were originally arrested on 19.12.2024 in Crime No.536 of 2024 on the complaint given by one Mohammed Ghouse who had stated that the petitioners along with the co-accused had seized a sum of Rs.20,00,000/- and did not account for the said money; and that during the custody, it is stated that the respondent on the



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confession of the accused unearthed the present case; and that there is no complaint by the alleged victim and that the allegations are false and in any case, further custody of the petitioners are not required for the purpose of investigation and submitted that hence, the petitioners may be released on bail.

4.Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and further submitted that after the confession made by the accused, the victim was examined and statement was obtained from him stating that Rs.40,00,000/- was seized from him and the petitioners have accounted for only Rs.20,00,000/- and hence, opposed for grant of bail.

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

6.It is seen that the petitioners were arrested on 19.12.2024 in Crime No.536 of 2024 and they were released on bail by the order of this



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Court dated 03.02.2025 in Crl.O.P.No.1222 of 2025. Though the confession of the petitioners and the co-accused were said to be recorded on 04.01.2025 and 15.01.2025 respectively, the respondent did not choose to arrest the petitioners till 04.02.2025. It is also seen that the victim has not given any complaint to the respondent.

7.Considering the aforesaid facts; the period of incarceration; and that 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 their 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 XVI Metropolitan Magistrate, Egmore.

[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;



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[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.

19.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
F-4, Thousand Lights Police Station

3. The XIV Metropolitan Magistrate,
Egmore.

4.The Central Prison,
Puzhal.



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SUNDER MOHAN. J,

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