



Crl.O.P.No. 10424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10424 of 2025
and
Crl.M.P.No.6930 of 2025

M.Arunvel Kumar

.... Petitioner

Versus

1.The State rep. by,
Station House Officer,
Inspector of Police,
District Crime Branch Police Station,
Chengalpattu District.
(Crime No.08 of 2024)

2. Balaji Rajagopalan,
Rep. by his Power Agent,
Rajan Babu,
S/o.Rajagopalan
Door No.7/17, Thadalan Sannathi Street,
Sirkali, Mayiladuthurai District.

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the orders passed in Crl.M.P.No.154 of 2025 in Crime No.08 of 2024, dated 20.02.2025 on the file of the Judicial Magistrate Court-II, Chengalpattu and set aside the same and also pleaded to pray four months' time to pay the remaining amount of Rs.2.1 Crores on or before 31.07.2025.



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For Petitioner : Mr. L. Arulmozhivarman
For Respondents : Mr. R.Vinothraja (for R1)
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed challenging the order dated 20.02.2025 made in Crl.M.P.No.154 of 2025 in Crime No.08 of 2024, on the file of the learned Judicial Magistrate Court-II, Chengalpattu and for a consequential direction to grant four months' time to pay the remaining amount of Rs.2.1 Crores on or before 31.07.2025.

2. The petitioner was granted anticipatory bail by this Court in Crl.O.P.No.19730 of 2024 dated 03.10.2024 in connection with the Crime No.08 of 2024 as follows:-

“ 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 days from the date on which the order copy made ready, before the Judicial Magistrate Court No.II, Chengalpet on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and



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on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10 a.m., until further orders;

[b] the petitioner shall deposit a sum of Rs.2 crores before the trial Court to the credit of Cr.No.8 of 2024 on or before 30.12.2024 and the remaining amount of Rs.2 crores on or before 31.03.2025 in the same crime number and after deposit of the said amount, the defacto complainant is at liberty to withdraw the said amount on proper application before the trial Court.

[c] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the petitioner shall not leave India without the previous permission of the Court;

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail



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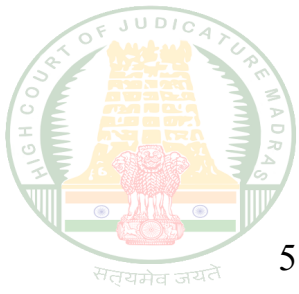
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by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) AIR SCW 5560]

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S, 2023.”

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Admittedly, the petitioner had complied with the condition and deposited a sum of Rs.1,90,00,000/- on 30.12.2024. The petitioner did not fully comply with the order as directed by this Court. After executing the surety, the petitioner failed to comply with condition No.[b] imposed by this Court. Moreover, the time within which condition No.[f] of paragraph No.7 of the anticipatory bail has to be complied with is also barred. Therefore, the respondent filed a petition before the learned Judicial Magistrate No.II, Chengalpattu, for cancellation of the anticipatory bail granted by this Court. After perusing the records, the learned Trial Judge rightly issued a “Non Bailable Warrant” (NBW) against the petitioner.



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5. It is also pointed out by the learned counsel for the petitioner that though the petitioner did not fully comply with the order of this Court, there is a possibility of settlement between the parties. Further, he stated that the petitioner had also filed a petition for relaxation in Crl.M.P.No.66430 of 2024 in Crl.O.P.No.19730 of 2024, which is pending before this Court. The learned Trial Judge failed to consider the same, and passed the orders.

6. Be that as it may, pending relaxation petition, filing the present petition is not maintainable, and the alleged copy of the relaxation petition is not produced before this Court as well as the Trial Court. Further, this Court cannot sit in appeal over its own orders. Considering the grounds raised by the petitioner to set aside the order dated 20.02.2025 passed by the learned Magistrate, in a petition filed by the respondent in Crl.M.P.No.154 of 2025 to cancel the anticipatory bail granted by this Court on a specific ground that the petitioner failed to comply with the conditions imposed by this Court while granting anticipatory bail, this Court does not find any merits in this petition and is liable to be dismissed.

7. Nevertheless, the petitioner is at liberty to approach this Court by



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way of filing an application for modification or for relaxation of the conditional order imposed by this Court, in a manner known to law, if so advised.

8. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, the connected miscellaneous petition is also closed.

04.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Judicial Magistrate Court-II, Chengalpattu.
2. The Station House Officer,
The Inspector of Police,
District Crime Branch Police Station, Chengalpattu District.
3. The Public Prosecutor, High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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