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Crl.O.P.No.10986 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.10986 of 2025

1. K. Mukundhan
S/o. Karthikeyan

2. K. Vasanth
S/o. Karthikeyan

....Petitioners/Accused

Vs

The State represented by
The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District
(Crime No.190/2024)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory
bail in the event of their arrest **in Crime No.190 of 2024**, on the file of the
respondent police.

For Petitioners : Ms. S. Mounika



For Respondent

: Mr. S. Balaji
Government Advocate (Crl. Side)

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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC, in Crime No.190 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 had stolen the jewels of the *de facto* complainant and pledged a portion of the same with the pawn broker and handed over 4 sovereigns of jewels to the petitioners, who are her sons; that the *de facto* complainant redeemed the same for Rs.1,50,000/- and that the accused persons did not return the money and thus committed the aforesaid offence.

3. The learned counsel for the petitioners would submit that the petitioners are innocent; that the petitioners had not committed any offence; that A1 was granted bail by the trial court ; and that without prejudice to their contentions, to show their bonafides, the petitioners are ready to deposit Rs.50,000/- to the credit of the crime number and prayed for



anticipatory bail to the petitioner.

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4.The learned Government Advocate(Crl. Side) reiterated the prosecution case and submitted that jewels are yet to be recovered and that A1 was granted bail by the trial court.

5. Considering, the nature of allegations against the petitioners and the fact that A1 was granted bail by the trial court and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Further, taking into consideration the voluntary submission made by the petitioners offering to deposit a sum of Rs.50,000/- to the credit of crime number, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.190 of 2024.

6. Accordingly, the petitioners shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.190 of 2024 and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on



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their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate-II, Chengalpattu**, on condition that each of the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 daily at 10.30. a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

15.04.2025

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To

1. The Judicial Magistrate-II, Chengalpattu.
2. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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