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Crl.O.P.No.17172 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17172 of 2025

Gnanasekar

... Petitioner/A2

Vs.

The State of Tamil Nadu
Rep by The Inspector of Police,
T-15, SRMC Police Station,
Chennai District.
(Crime No.197 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.197 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Iyyapparaj
for Mr.C.Vijay

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.05.2025, for the offences punishable under Section 308(2) of BNS,
2023 in connection with Crime No.197 of 2025, registered on the file of the



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respondent, seeks bail.

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2. The case of the prosecution is that the de-facto complainant and his brother were residing in the same premises. One Venkatesan, who is a tenant under the de-facto complainant, was defaulted in payment of rent. In order to evict the tenant, the de-facto complainant approached A1. Later taking advantage of the same, A1 started demanding amount under threat, thereby received Rs.35 lakhs from the de-facto complainant's family. The overt act attributed against the petitioner is that the petitioner has received Rs.4 lakhs from the de-facto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that from the F.I.R. it is seen that the date of commission of offence is on 15.04.2025 and after a lapse of one month, i.e., on 15.05.2025, the complaint came to be registered. He further submitted that the petitioner has no bad antecedents and he is severely affected from various health ailments and the petitioner is in custody for more than 30 days. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for



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the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that A1 is the main accused, who absconded and went to Dubai. LOC was issued against A1 on 20.05.2025. A3 in this case was arrested. A1 claimed himself as Advocate and started threatening the de-facto complainant. He further submitted that the petitioner/A2 has got no previous cases.

5. At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show his bonafide, is ready and willing to deposit a sum of Rs.2,00,000/- to the credit of the Crime No.197 of 2025 without prejudice to his right in the above case.

6. Considering the nature of allegations and the submission that the petitioner is willing to deposit an amount of Rs.2,00,000/- to the credit of Crime No.197 of 2025, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.2,00,000/- [Rupees Two lakhs only]** to the credit of Crime No.197 of 2025 before the trial Court, on such deposit and production of proof, the



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petitioner is ordered to be released on bail on his executing 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 **Judicial Magistrate No.I, Poonamallee. On such deposit being made, the trial Court shall redeposit the said amount in an interest bearing account** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned



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conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

16.06.2025

rsi

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate No.I,
Poonamallee.

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2.The Inspector of Police,
T-15, SRMC Police Station,
Chennai District.

3.The Superintendent,
Central Prison,
Puzhal, Chennai-66.

4.The Public Prosecutor,
High Court of Madras.

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