



Crl.R.C.No.723 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

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

Crl.R.C.No.723 of 2025

Kathiravan

... Petitioner

Vs

The State Rep by,
The Inspector of Police,
Central Crime Branch,
Forgery Document Investigation Wing,
Vepery, Chennai.

CCB Cr.No.26 of 2025

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 26.05.2025 made in Crl.M.P.No.6886 of 2025 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai and to allow the above Criminal Revision Petition.

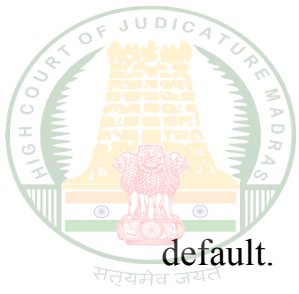
For Petitioner : Mr.R.Parthiban

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This petition has been filed challenging the order passed in Crl.M.P.No.6886 of 2025 dated 26.05.2025 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai, thereby dismissing the application seeking bail on the ground of



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default.

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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner was arrested and remanded to judicial custody on 24.03.2025, pursuant to the registration of FIR in Crime No.26 of 2025 on the file of the respondent for the offences punishable under Sections 406 and 420 of IPC alleging that the defacto complainant is the owner of the car bearing Registration No.TN 20 CK 3327, Indiga V2. While being so, the petitioner had received the car for rent, on 02.04.2019 and agreed to pay the rent. However, without paying the rent, it was fraudulently sold out in favour of other accused persons and finally, the car was sold out in favour of the fifth accused for scrap. Hence, the complaint.

4. Immediately, the petitioner filed a petition before this Court in Crl.O.P.No.15114 of 2025 for granting bail. This Court, by an order dated 14.05.2025 granted bail to the petitioner, on condition that the petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.26 of 2025. However, the petitioner had failed to comply



with the said condition and he is still in prison.

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5. After completion of 60 days, the petitioner filed a petition for default bail before the Trial Court in Crl.M.P.No.6886 of 2025, since the respondent failed to file a final report, within a period of 60 days from the date of registration of FIR. However, the petition was dismissed, on 26.05.2025, on the ground that the petitioner had failed to comply with the conditions imposed by this Court.

6. It is to be noted that since the petitioner had failed to comply with the condition, he was inside the prison for 60 days from the date of registration of FIR. Even then, the respondent failed to file a final report. Therefore, the petitioner is entitled for default bail as contemplated under Section 187(3) of BNSS, 2023.

7. In view of the above, the impugned order cannot be sustained and is liable to be set aside. Accordingly, order passed in Crl.M.P.No.6886 of 2025 dated 26.05.2025 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai, is hereby set aside. This Criminal Revision Case stands allowed.



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8. The petitioner is ordered to be released on bail on his execution of 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 Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai, and on further conditions that:

[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 report before the respondent Police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

To

1. The Metropolitan Magistrate
for Exclusive Trial of CCB Cases and CBCID Metro Cases,
Egmore, Chennai.
2. The Superintendent of Prison,
Central Prison, Puzhal.
3. The Inspector of Police,
Central Crime Branch,
Forgery Document Investigation Wing,
Vepery, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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