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Crl.O.P.No.19946 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19946 of 2025

S.Naveen Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai – 1.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.336 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.K.Udhayadev

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2025 for the offences punishable under Sections 296(b), 115(2), & 309(4) of BNS, in Crime No.336 of 2025, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the accused, under the guise of inviting the de facto complainant for massage service, abused him in filthy language and by intimidating him, taken away 20 sovereigns of gold from him and transferred a sum of Rs.40,000/- from his account to their account. Hence, the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that only on the instruction of his grand mother/A2, the petitioner/A4 herein had received a sum of Rs.40,000/- in his account and withdraw the same. He also submitted that the petitioner has nothing to do with the alleged offence, however, the petitioner, to show his bonafide, without prejudice to his contention, is ready to deposit a sum of Rs.40,000/- to the credit of crime number. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that all the accused were secured and only 14 sovereigns of gold were recovered from them and in respect of this petitioner, there is no previous case.

5. Heard both sides and perused the materials available on record.



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6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the period of incarceration undergone by the petitioner and the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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 **XVII Metropolitan Magistrate, Saidapet**, and on further conditions that:

[a] **The petitioner is directed to deposit a sum of Rs.40,000/- (Rupees forty thousand only) to the credit of Crime No.336 of 2025 and shall produce the proof of payment before the learned Magistrate concerned at the time of executing the sureties;**

[b] 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;



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[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make herself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] 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;

[g] On breach of any of the aforementioned 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]**;



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

8. The petitioner, on depositing the said amount, the Court below shall deposit the same in the interest bearing fixed deposit scheme in any one of the nationalized banks.

15.07.2025

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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.

To

1. The XVII Metropolitan Magistrate, Saidapet
2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai - 1.
3. The Superintendent,
Sub Jail, Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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