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Crl.O.P.No.21304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

**THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR**

Crl.O.P.No.21304 of 2025

Prabhakaran

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Poonamallee Police Station,  
Tiruvallur District.

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.582 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.A.J.Magendiraverman

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

For Intervenor : Mr.J.Milton Pow Davidson

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 02.07.2025, for the offences under Section 316 (4) of BNS, in Crime No.582 of 2025, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the petitioner, who was working as a deliveryman at Sakthi Gas Agency, misappropriated a sum of Rs.92,300/- and without the knowledge of the agency, took away 20 empty gas cylinders, that had been received from the public. 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 the petitioner was working as a deliveryman at the de facto complainant's gas agency and that there were some accounting discrepancies, for which, the petitioner has been wrongly implicated. He also submitted that earlier enquiry was conducted in C.S.R.No.979 of 2025, during which, the petitioner agreed to pay a sum of Rs.92,300/-, as mentioned in the complaint. Even as per the complaint, the petitioner had already paid a sum of Rs.50,000/- and returned 20 cylinders. Now, taking advantage of the petitioner's situation, the cylinders misappropriated by others and the agency's mismanagement are being wrongly attributed to the petitioner. On instructions, he further submitted that the petitioner is ready to pay the balance amount of Rs.42,300/-, as per the undertaking given by him. Hence, he prayed for the grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and opposed for the grant of bail



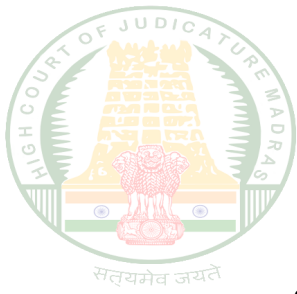
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to the petitioner. He further submitted that based on the complaint given by the de facto complainant, CSR No.979 of 2025 was assigned and during the initial enquiry, 20 cylinders were seized from the petitioner and he also paid a sum of Rs.50,000/- to the de facto complainant. Further, on the date of filing of the First Information Report, several other complaints were also submitted by the public to the agency. However, apart from merely stating that such complaints were received, no other supporting materials were provided by the de facto complainant.

5. Learned counsel appearing for the de facto complainant strongly opposed the grant of bail to the petitioner stating that his agency is still receiving complaints from the general public regarding the cylinders taken by the petitioner. He further submitted that the agency has a good reputation among the public and with HP and that due to the act of the petitioner have tarnished the name and reputation of the agency.

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

7. 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, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the 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.II, Poonamallee**, and on further conditions that:

[a] (i) The petitioner, without prejudice to his defence, is directed to pay a sum of **Rs.42,300/- (Rupees Forty Two Thousand and three hundred only)** to the de facto complainant and shall produce proof of the aforesaid payment before the learned Magistrate concerned at the time of executing the sureties;

(ii) In the event of any objection by the de facto complainant in receiving the said amount, the petitioner shall deposit the same to the credit of **Crime No.582 of 2025**;

[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;

[c] the petitioner shall report before the respondent **Police everyday at 10.30 a.m., for a period of 30 days 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;



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[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]**;

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

**30.07.2025**

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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.



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**M.NIRMAL KUMAR, J.**

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To

1. The Judicial Magistrate No.II,  
Poonamallee.
2. The Inspector of Police,  
Poonamallee Police Station,  
Tiruvallur District.
3. The Superintendent,  
Central Prison - II, Puzhal.
4. The Public Prosecutor,  
High Court of Madras.

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