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CrI.OP.No.33872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

CrI.O.P.No.33872 of 2025

C.R.Muthukumar

... Petitioner

Vs.

State rep by
Inspector of Police,
CCB-I, Coimbatore.
(Crime No.33 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, grant anticipatory bail in Cr.No.33 of 2025 in the
event of arrest pending on the file of the respondent police.

For Petitioner : Mr.C.Manishankar,

For Intervenor : Mr.A.Sathasivam

For Respondent : Ms.J.R.Archana
Government Advocate (CrI. Side)

ORDER

The petitioner, who apprehend arrest for the alleged offence under
Sections 308(6) and 127(2) of BNS in Cr.No.33 of 2025 on the file of the
respondent police, seeks anticipatory bail.



2. The allegation against the petitioner is that he had earlier lodged a complaint with A2 in this case, who was then working as the Inspector of Police attached to Sengapuram Police Station, alleging that the defacto complainant had received 1,250 grams of gold for business purposes with a promise to return the same, but had neither returned the gold nor paid any money. Based on the said complaint, A2, along with other accused, allegedly went to the shop of the defacto complainant, took away 1,250 grams of gold, brought him to the police station, threatened him not to pursue the matter, and made it appear as though the dispute had been settled. However, the said gold jewels were neither properly accounted for nor deposited before the Court. Hence, the defacto complainant lodged the present complaint.

3. The learned counsel appearing for the petitioner submitted that the case was initially investigated by the local police and, under the guise of seeking a change of investigation, orders were obtained directing the Commissioner of Police to transfer the investigation. Accordingly, the investigation was transferred to the CCB. The learned counsel further submitted that, upon investigation, the CCB found that no case was made out against the defacto complainant; however, it was alleged that the petitioner had been falsely implicated in offences of extortion and other



charges with the alleged assistance of A2, the police officer. He further submitted that during investigation, searches were conducted and gold jewels to the extent of 1,973 grams and 14.4 kilograms of silver articles were recovered. He also submitted that investigation is being conducted in Crime Nos.32 and 33 of 2025 on the file of the respondent police, and that both the complainants in the said cases have joined together and foisted false cases against the petitioner. According to him, the entire dispute is purely a business transaction. The petitioner is ready and willing to cooperate with the investigation and hence prayed for grant of anticipatory bail.

4. The learned counsel for the intervenor submitted that 1,700 grams of gold was forcibly taken by the petitioners in collusion with the police officer and the same was neither returned to the defacto complainant nor deposited before the Court. It was also submitted that the allegations made by the petitioner were found to be false and that the criminal complaint lodged by the petitioner was closed as “mistake of fact.” If anticipatory bail is granted, the petitioner may indulge in similar activities and the remaining properties are yet to be recovered. Hence, he strongly opposed the grant of anticipatory bail.



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5. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that during the course of investigation, searches were conducted at the premises of the petitioner and about 1,973 grams of gold and 14 kilograms of silver articles were recovered. Further investigation is still in progress. Therefore, she opposed the grant of anticipatory bail.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of materials reveals that searches have already been conducted, substantial recoveries have been made, and relevant documents have been seized. Further taking note of the fact that already the house of the petitioner was searched and 1973 grams of gold and 14.4kgs of silver articles were recovered and 89 property documents were seized,

8. In view of the above facts and circumstances, this Court is of the view that custodial interrogation of the petitioner is not necessary.



Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

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9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate-VII, Coimbatore** on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two **sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 identify proofs to ensure their identity;

(c) **The petitioner shall report before the respondent police daily at 10.30a.m., for a period of three weeks and there after as and when required for interrogation;**



(d) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) The petitioner shall not abscond either during investigation or trial:

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

16.12.2025

Vv

To

1. The Judicial Magistrate-VII, Coimbatore
2. The Inspector of Police,
CCB-I, Coimbatore.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

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