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Crl.OP.No.33880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.33880 of 2025

C.R.Muthukumar

... Petitioner

Vs.

State rep by
Inspector of Police,
CCB-I, Coimbatore.
(Crime No.32 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, grant anticipatory bail in Cr.No.32 of 2025 in the event of arrest pending on the file of the respondent police.

For Petitioner : Mr.C.Manishankar,
Senior Counsel,
for Mr.A.Ashwinkumar

For Intervenor : Mr.A.Sathasivam

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

ORDER

The petitioner, who apprehend arrest for the alleged offence under Sections 308(6), 127(2) and 336(3) of BNS in Cr.No.32 of 2025 on the file of the respondent police, seeks anticipatory bail.

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2. The prosecution case is that the petitioner herein had gold business dealings with the defacto complainant. It is alleged that the defacto complainant failed to return 7 kilograms of gold. On the other hand, the petitioner alleges that the defacto complainant had collected 7,400 grams of gold under the pretext of developing the business and subsequently failed to return either the gold or the money, thereby cheating the petitioner. Based on the said complaint, the petitioner, allegedly in collusion with the then Investigating Officer, who is arrayed as A2 in this case, went to the house and shop of the defacto complainant and took away a huge quantity of gold and other articles. Thereafter, the defacto complainant was brought to the police station and allegedly forced to enter into a Memorandum of Understanding (MoU) with the petitioner, agreeing to sell his property. Since the said property was mortgaged with a third party, the petitioner is stated to have paid a sum of Rs.1crore for redeeming the land. Accordingly, the land was redeemed and the property documents were handed over to the petitioner. Meanwhile, the defacto complainant lodged a complaint stating that the gold taken from his house was neither deposited before the Court nor properly accounted for. Based on the said complaint, the present case came to be registered.



3. The learned Senior Counsel appearing for the petitioners submitted that a total quantity of 7,400 grams of gold was handed over to the defacto complainant and, since he was unable to return the same, he lodged a false complaint. It was further submitted that the defacto complainant voluntarily entered into the Memorandum of Understanding to settle the dispute and, pursuant thereto, the petitioner paid a sum of Rs.1 crore, redeemed the mortgaged property, and it was agreed that the property would be transferred in the name of the petitioner. He further submitted that all the transactions took place in the year 2024, that the petitioner had earlier moved a writ petition seeking transfer of investigation, and that the investigation is now being conducted by the CCB. It was also submitted that the petitioner is ready to cooperate with the investigation and that some gold and silver articles have already been seized from the petitioner's premises. Hence, he 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. He further contended that the defacto complainant was forced to execute the Memorandum of Understanding



inside the police station. 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 petitioners may indulge in similar activities and the remaining properties are yet to be recovered. Hence, he strongly opposed the grant of anticipatory bail.

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 available before me, it reveals that the petitioner has already paid a sum of Rs.1 crore, which, though alleged to be



under a forcibly executed Memorandum of Understanding, was admittedly utilized by the defacto complainant for redeeming his mortgaged land.

Though it was stated that the property documents were with the petitioner, the same have since been recovered by the police during investigation. It is also the submission of the respondent that a substantial quantity of gold jewels has already been recovered.

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.

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];***



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(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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