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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30359 of 2026

Gopika,
W/o.Jinesh,
Residing at Door No.C/42-B,
Ground Floor, Canal Road,
Purasaivakkam,Chennai-600 010. ...Petitioner/Accused-3

Vs

The State Rep.by,
The Inspector of Police,
CCB-1, Alpha-3,
Bank Fraud Investigation Wing,
Chennai. ...Respondent/Complainant
(Crime No.119 of 2026)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.119 of 2026 pending on the file of Respondent Police.

For Petitioner(s): Mr.S.M.Thiyagarajan

For Respondent(s): Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side)

For Intervenor : Mr.J.Arun Prasad

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O R D E R

1. This is a petition for regular bail under Section 483 of the BNSS. The petitioner is the third accused in Crime No.119 of 2026 on the file of the Inspector of Police, Bank Fraud Investigation Wing, Central Crime Branch-I, Chennai, registered on 10.09.2026 for offences under Sections 61(2), 316(5), 336(3) and 340(2) of the BNS. The investigation is pending.

2. The case of the prosecution, briefly stated, is this. The petitioner was an Officer at the Taylors Road Branch of Punjab National Bank, Chennai, from 12.06.2024, and one of the joint custodians of its jewel safe vault. A re-appraisal of the pledged ornaments, conducted between 11.05.2026 and 14.05.2026, revealed that the genuine ornaments pledged in 24 gold loan accounts, weighing 2,137.800 grams gross and 1,919 grams net and valued at about Rs.3.15 crores, had been replaced with spurious ones. The first accused, a Special Office Assistant, is alleged to have obtained the vault keys from the joint custodians and, with others, to have removed the genuine ornaments and substituted spurious ones. The remand report alleges that of the two keys needed to open the vault, one was with the second accused and the other with the petitioner, that the joint custodians by neglect of their duties enabled the first accused, and that the accused acted in concert. According to the counter affidavit, 778.700 grams have been recovered from the first and sixth accused, and about 1,359.700 grams remain untraced. The counter affidavit attributes no recovery to the petitioner.

3. The petitioner was arrested at her residence on the evening of 15.09.2026 and remanded to judicial custody on 16.09.2026. She was in police custody from

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06.10.2026 to 08.10.2026. The fourth and sixth accused have been granted bail by the Court of Session, on 30.09.2026 and 09.10.2026 respectively.

4. Learned counsel for the petitioner made these submissions:

[a] the grounds of arrest were not furnished to the petitioner in writing at any time, and nothing was communicated to her in a language she understands; she is a Malayali and cannot read Tamil; the arrest and the remand are therefore vitiated, as held in Mihir Rajesh Shah and Jaskaran Jeet Singh Deol and applied by this Court in Crl.O.P.No.27525 of 2026 on 07.10.2026;

[b] she is implicated only because she was a joint custodian of the vault; no act of removal or substitution, no receipt of any ornament or proceeds and no recovery is attributed to her, and the complaint itself attributes the access to the vault principally to the first accused;

[c] the fourth and sixth accused are on bail, and the police custody of the petitioner is over; and

[d] she is the mother of a child of four years and has no previous case.

5. The respondent has filed a counter affidavit sworn by the present investigating officer, who took charge of the investigation on 16.10.2026, and the petition is opposed on its lines. The petitioner's position as a joint custodian, the access and custody arrangements, the bank records, the statements of witnesses and the entries in third-party pledge registers are said to be under examination, and the tracing of the remaining ornaments to be in progress. It is also said that nothing has changed since the order of the Court of Session. On the grounds of arrest, paragraph

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11 of the counter affidavit states: *"the grounds of arrest were duly served on the petitioner/accused. However, she refused to receive the copy of the grounds of arrest. Her refusal was recorded on the relevant document in the presence of a witness, whose signature was obtained in confirmation of the same."*

6. The de facto complainant, the Senior Manager of the Branch, has filed Crl.M.P.No.20817 of 2026 to intervene. The Bank, which is said to have suffered the loss, is a victim within the meaning of Section 2(1)(y) of the BNSS and is entitled to be heard on a petition for bail, as held in **Jagjeet Singh v. Ashish Mishra @ Monu**, (2022) 9 SCC 321. The intervenor is permitted to intervene, and his counsel was heard. He stressed that the offence is an economic offence against a nationalised bank, that about 1,359.700 grams are yet to be traced, and that the money trail and the documentary and electronic investigation are incomplete. On the grounds of arrest, the intervention petition says in paragraph 15 that the investigating officer *"had attempted to communicate/furnish"* them, and in paragraph 16 that they were served and refused. Reliance was placed on **Ram Kishor Arora v. Directorate of Enforcement**, 2023 INSC 1082, on a decision of the Delhi High Court in **Neeraj Singal v. Directorate of Enforcement**, and on **Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation**, (2013) 7 SCC 439, and **Nimmagadda Prasad v. Central Bureau of Investigation**, (2013) 7 SCC 466.

7. I have considered the rival submissions and perused the material placed before me.

8. The plea on the grounds of arrest is taken first, because it goes to the legality of the custody itself. The petitioner was arrested on 15.09.2026, more than

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ten months after the decision in **Mihir Rajesh Shah v. State of Maharashtra**, (2026) 1 SCC 500 : 2025 INSC 1288, which governs arrests made on and after 06.11.2025. The record speaks for itself. This was not an arrest in flagrante delicto. The complaint of the Bank, the re-appraisal particulars and the branch records were with the police when the case was registered on 10.09.2026, and the petitioner was arrested at her residence five days later. There was every opportunity to set out the grounds in writing and to hand them to her on arrest. The remand report, signed by the then investigating officer on 16.09.2026, is the contemporaneous record of the arrest. It records only that the petitioner was arrested after being told the reason for her arrest. It does not say that written grounds were prepared, served or refused. It does not contain the grounds, and it carries no note of any cause for their not having been supplied. The intimation of the arrest to her mother by SMS, which the remand report also records, discharges a different obligation, under Section 48 of the BNSS. It is not communication of the grounds to the petitioner.

9. The answer in the counter affidavit is that the grounds were served and refused, and that the refusal was recorded on "the relevant document" in the presence of a witness. That document has not been produced. Neither the grounds said to have been served, nor the endorsement of refusal, nor the signature of the witness has been placed before me, and the counter affidavit does not say who the witness was or when the endorsement was made. The deponent took charge of the investigation a month after the arrest and does not say from what record she makes the statement. The intervenor, who speaks on information from the investigating agency, says in one paragraph that the officer attempted to furnish the grounds and

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in the next that they were served and refused. A refusal to accept the grounds of arrest, had it occurred, is precisely the fact that would have been recorded in the remand papers and brought to the notice of the learned Magistrate. It was not. On this record I am unable to accept the claim. It surfaces for the first time in the counter affidavit filed in this Court, and it bears every mark of an afterthought. I hold that the grounds of arrest were not furnished to the petitioner in writing, as required by Article 22(1) of the Constitution and Section 47 of the BNSS, and that her arrest and the remand that followed are vitiated. Since nothing was furnished in writing in any language, it is unnecessary to decide whether the petitioner understands Tamil. For an arrest made after 06.11.2025, Mihir Rajesh Shah (cited supra) governs. The merits are not reached where the custody itself is unlawful.

10. It follows that the petitioner is entitled to be released. I make this order on that ground alone and not on the merits, which I have not examined. Nothing in this order touches the view taken in Crl.O.P.No.28690 of 2026 on the material relating to the custody of the vault, and nothing in it is an expression of opinion on the role of the petitioner, on the parity claimed with the fourth and sixth accused, or on the recoveries. If the respondent considers the custody of the petitioner necessary for the investigation, it may proceed only in the manner laid down in Mihir Rajesh Shah (cited supra) read with paragraphs 24 to 25.1 of Jaskaran Jeet Singh Deol (cited supra), that is, by an application to the learned Magistrate, made after the grounds of arrest have been furnished to the petitioner in writing, stating the reasons and the necessity for custody and the explanation for the earlier non-supply, and bearing the endorsement of the immediate superior officer. Any such application

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shall be decided on its own merits, after hearing the petitioner, uninfluenced by this order.

11. The legal position may be shortly stated: where an arrest made on or after 06.11.2025 rests on documentary material already with the police, the written grounds of arrest must be furnished to the arrested person on arrest. A claim that they were served and refused must be borne out by the contemporaneous record, and in particular by the remand papers placed before the Magistrate. An assertion made for the first time in a counter affidavit, unsupported by the document said to record the refusal, does not discharge the burden that lies on the police.

12. In the result, this Criminal Original Petition is allowed

13. That leaves the manner of the arrest, which goes beyond this petition. On 07.09.2026, in Crl.O.P.No.21442 of 2026, this Court directed the Commissioner of Police, Greater Chennai, to issue standing instructions to all police stations within his jurisdiction that the grounds of arrest shall be furnished in writing, in a language the arrested person understands, in the manner and within the time laid down in Mihir Rajesh Shah, and that an acknowledgment of the furnishing of the grounds shall be maintained in the case records and placed before the Magistrate along with the remand papers. The petitioner was arrested eight days later by a wing of the Central Crime Branch of the Greater Chennai Police. There is no acknowledgment in the remand papers, and the claim of a recorded refusal has surfaced only in this Court. When an arrest is vitiated, the accused must be released however

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serious the accusation, and the cost of the lapse falls on the victims and on the investigation. In Jaskaran Jeet Singh Deol (cited supra), at paragraph 25.1, the Supreme Court directed that such a lapse be the subject of a departmental enquiry and, if the enquiry culminates in an adverse finding, of departmental action with an entry in the service book of the officer concerned.

14. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned XXXI MM, Additonal Court for Exclusive Trial of CCB Cases, Egmore, Chennai,** and on further conditions that:

> [a] 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;
>
> **[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;**
>
> [c] the petitioner shall not abscond either during investigation or trial;
>
> [d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;
>
> [e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass

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appropriate orders against the petitioner in acc 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];**

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

30.10.2026

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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 XXXI MM, Additional Court
for Exclusive Trial of CCB Cases,
Egmore, Chennai.

2.The Inspector of Police,
CCB-1, Alpha-3,
Bank Fraud Investigation Wing,
Chennai.

3.The Superintendent,
Central Prison, Puzhal.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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