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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30934 of 2026

CNR: {HCMA012566362026}

Guna @ Gunasekaran
S/o Kalaiarasan,
No.17/6, Thiyagi Viraiya Street,
Mulluvadi Gate,
Salem District.

..Petitioner(s)

Vs

The State Rep. By Inspector of Police
Pallipatti Police Station,
Salem District.
Crime No.238/2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS pryaing to enlarge the petitioner on bail in Crime.No.238 of 2026 on the file of the Respondent and thus render justice.

For Petitioner(s): Mr. C.Deepakkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.09.2026 for the alleged offence under Sections 332(b) and 310(2) of BNS, 2023 in Crime No.238 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the defacto complainant, who is engaged in crypto coin exchange, transferred Rs.5,10,000/- for exchanging USDT. After receiving Rs.5,00,000/- from Deva, the balance amount was to be paid by another person. When Deva and the defacto complainant returned to the office, three unknown persons assaulted Deva, forcibly took the bag containing the money, threw it downstairs, and absconded. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case and has not committed any offence as alleged by the prosecution. He further submitted that the co-accused had already been granted bail by this Court in Crl.OP.No.29392 of 2026 dated 12.10.2026, and that the petitioner is therefore entitled to bail on the ground of parity. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioner is arrayed as A5 in this case. He further submitted that out of Rs.5,00,000/-, a sum of Rs.4,45,000/- has been recovered. Hence, he opposed to grant bail to the petitioner.

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5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, the nature of the allegations, the recovery already effected, the fact that the co-accused has already been granted bail by this Court and the period of custody undergone by the petitioner, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate No.II, Salem,** and on further conditions that:

> [a] the sureties shall affix his 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 his identity;
>
> (b) the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 05.30.p.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

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witness either during investigation or trial;

[e] 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];**

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

23-10-2026

SMA

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 Judicial Magistrate No.II, Salem..

2. The Superintendent,
   Central Prison, Salem.

3. Inspector of Police
   Pallipatti Police Station,
   Salem District.

4. The Public Prosecutor,
High Court of Madras.

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N.RAMESH, J.

SMA

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