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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31997 of 2026

CNR: {HCMA012632742026}

Balu @ Balakrishnan
S/o. Vasudevan,
No.80, West Vinayagar Kovil Street,
Manakkadu,
Hasthampatti,
Salem District.

Case QR

..Petitioner(s)

Vs

State Rep.by its, The Inspector of Police
Pallapatti Police Station,
Salem District.
Cr.No.238 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Cr.No.238 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr.W.Camyles Gandhi

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, S. Gowtham, who was engaged in the real estate business and a part-time cryptocurrency exchange business, was approached by one Deva on 14.09.2026, requesting 5,000 USDT valued at Rs. 5,10,000/-. Accordingly, the defacto complainant transferred the cryptocurrency to Deva's wallet and received Rs.4,00,000/- in cash and Rs.4,000/- via G-Pay. Subsequently, Deva, along with the other accused, went to the defacto complainant's residence, threatened and assaulted him, and forcibly took away Rs.5,00,000/- kept in his locker. Hence, the defacto complainant lodged a complaint, based on which the respondent police registered the present case against the petitioner and others.

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/A1, A4 and A5 were already been granted bail by this Court in Crl.OP.Nos.29392, 29519 and 30934 of 2026 dated 12.10.2026, 13.10.2026 and 23.10.2026 respectively 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 countered the arguments by reiterating the prosecution's case and submitted that the petitioner is arrayed as Accused No. 2

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(A2). He further submitted that there are thirteen previous cases pending against the petitioner and from the petitioner Rs.4,45,000/- has been recovered. Hence, he strongly opposed the grant of bail to the petitioner.

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 fact that the co-accused/A1, A4 and A5 have 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;

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(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 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.

04-11-2026

DRL

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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To

1.The Judicial Magistrate-II, Salem.

2.The Inspector of Police
Pallapatti Police Station,
Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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