Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 33760 of 2026

CNR: {HCMA012762722026}

Case QR

1. T Bhawarlal
   S/o. Thylasiram,
   Proprietor,
   M/s. Sri Ganesh Pawn Brokers and Jewellers,
2. Ganesh Chaudhary
   S/o. T. Bhawarlal,
   Both having their address at
   No.14C, Ponniyamman Koil Street,
   Madipakkam,
   Chennai.

..Petitioner(s)

Vs

State Rep.by, The Inspector of Police
S-7 Madipakkam Police Station,
Keelkattalai,
Chennai.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to direct that the petitioners be released on bail in the event of their arrest by the respondent police on a non-bailable accusation arising from Rajeshkumars complaints concerning the jewellery and financial dealings described in this petition, presently enquired into under FIR No. 580/2026 dated 07.11.2026 on the file of the Respondent, on such terms and conditions as this Honble Court.

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For Petitioner(s): Hari Radhakrishnan
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)
For Intervener: MR.D.Padmanabhan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No. 580 of 2026, seek anticipatory bail.

2. It is a case of a dispute over pledged jewels. According to the prosecution, the de facto complainant pledged about 220 grams of gold jewels in the petitioners' pawn shop on 06.07.2025. Thereafter, the petitioners received a cheque for Rs. 7,50,000/- from the complainant's mother and also received a sum of Rs. 1,20,000/- in cash, yet failed to return the pledged jewels. Based on the complaint, an FIR was registered on 07.11.2026 for the offence under Section 318(4) of the BNS. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, have not committed any offence as alleged by the prosecution, and have been falsely implicated in this case. He further submitted that the de facto complainant took back about 72 grams of jewels by issuing the said cheque, which was subsequently dishonoured on 11.07.2025.

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Thereafter, the petitioners lodged a police complaint, issued a legal notice, and also attended the enquiry. He added that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution's case and strongly opposed the grant of anticipatory bail to the petitioners.

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

6. It is seen that the dispute between the parties revolves around the dishonoured cheque, pawn shop pledge records, and bank entries, all of which are documentary in nature and already available. Considering the nature of the dispute and all the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court No. II, Alandur,** on condition that **the petitioner shall**

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execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition:

(a) If the petitioners 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 petitioners shall appear before the respondent police every day at 10:30 a.m. for a period of 30 days, and thereafter, as and when required for interrogation;**

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

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MPA
To

1. The Judicial Magistrate Court No. II, Alandur,

2. The Inspector of Police
S-7 Madipakkam Police Station,
Keelkattalai,
Chennai.

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

MPA

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