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Crl.O.P.No.16698 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16698 of 2025

Mohanasundaram

... Petitioner

Vs.

State rep. by
The Inspector of Police
Mailam Police Station
Villupuram District

... Respondent

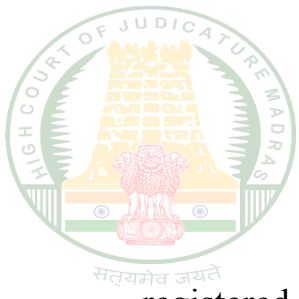
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.192 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.05.2025, for the offences punishable under Sections 318(4), 351(2) of BNS 2023 (u/s.420, 506(i) of IPC), in connection with Crime No.192 of 2025,



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registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had received a sum of Rs.9,00,000/- through bank transfer on the promise of getting a job for the de-facto complainant in a super market at Australia. But, the petitioner neither arranged a job nor returned the amount to the de-facto complainant. Hence the case.

3. The contention of the petitioner is that the petitioner is a victim of the circumstances and the petitioner, on receipt of Rs.7,00,000/- and Rs.2,00,000/- transferred the same to the account of one Nandini Devi in Jayapuram, Villupuram District and one Balamurugan is the husband of the Nandini Devi. The petitioner had also lodged a complaint on 07.03.2025 to the Superintendent of Police, Villupuram and the same has been forwarded to the Deputy Commissioner of Police for enquiry, but no action was taken. On the contrary, the respondent police registered a case and arrested the petitioner. The learned counsel further submitted that the petitioner is suffering incarceration from 03.05.2025 and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that when the complainant demanded to return the amount, the petitioner threatened him. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tindivanam**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation.

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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]**;

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

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Note: Considering the typed set of papers and bank transactions, earlier complaints are to be submitted to the respondent police and the respondent police shall also enquire in this regard and take appropriate action the against the offenders as per the materials produced by them.



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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 Judicial Magistrate No.II,
Tindivanam.
2. The Inspector of Police
Mailam Police Station
Villupuram District
3. The Sub Jail, Tindivanam
4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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