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Crl.O.P.No.17836 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17836 of 2025

1. Manimegalai

2. Indiranath

.. Petitioners

Vs.

The State rep by
The Inspector of Police
District Crime Branch,
Nagapattinam District
Crime No.04 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners on bail in Crime No.04
of 2025 pending on the file of the respondent police.

For Petitioners : Mr.S.Arivazhagan

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on
17.05.2025, for the offence punishable under Sections 8(c), 20(b)(ii)(B) and 29(1)
of NDPS Act, 1985 in Crime No.210 of 2025, registered on the file of the
respondent, seeks bail.



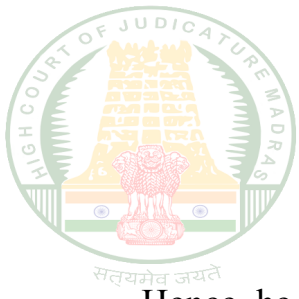
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2. The case of the prosecution is that the petitioners have cheated the defacto complainant and others on the assurance of securing a job in Defence Department, Government of India and cheated a sum of Rs.12,55,000/-. It is alleged that the petitioners neither arranged the job nor returned the money to the victims. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 17.05.2025. He further submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that the petitioners had cheated 5 persons on the assurance that they would secure a job in the army for the post of Driver and Chef and collected Rs.12,55,000/- Thereafter, neither the job has been secured nor the money has been returned to the victims. He also submitted that in this case, investigation is in progress.



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Hence, he strongly objected to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that without prejudice to his contentions, the petitioners are willing to deposit a sum of Rs.1,50,000/- each to the credit of crime number and he also filed an undertaking affidavit of the petitioners to that effect.

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

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

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.1, Nagapattinam** 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 petitioners are directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each to the credit of Crime No.4 of 2025 and shall produce the proof of payment before the learned Magistrate concerned at the time of executing the sureties. The learned concerned magistrate shall deposit the same in the interest bearing fixed deposit scheme in any one of the nationalised banks.

[c] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation and the 1st petitioner shall report before the respondent police as and when required for interrogation

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

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

[f] the petitioners 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance



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with law as if the aforementioned 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 vs. State of Kerala [(2005)13 SCC 283]**;

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

04.07.2025

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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.



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To

1. The Judicial Magistrate No.1, Nagapattinam.

2. The Inspector of Police
District Crime Branch,
Nagapattinam District

3. The Superintendent,
Women Sub-Jail, Thiruvarur

4. 3. The Superintendent,
District Jail, Nagapattinam.

5. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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