



CRL OP(MD). No.352 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M.Udhayakumar,
S/o Manickam, No.39/1, Vadakoor Harijan
Colony, Gandhi Nagar, Mudhukulathur,
Ramanathapuram District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police, Bazar
Police Station, Ramanathapuram District.
(Crime No.225 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervener : Mr.C.Senthil Murugan,
Intervener

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.225 of 2024 on the file of the respondent-Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 07.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 420, 143, 294(b) and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.225 of 2024, on the file of the respondent-Police.

3. The case of the prosecution is that Accused No.3 approached the defacto complainant to sell his property, which stands in the name of his father, Jeevanantham, situated at Chatrakudi Village in S.No.499/1, covering an extent of 92 cents. He received a sum of Rs.2,00,000/- as an advance from the defacto complainant, and a sale agreement was executed between Jeevanantham and the defacto complainant. Accused No.3 and the son-in-law of the defacto complainant were named as witnesses in the said agreement. In order to purchase the said property, the defacto complainant executed a sale deed in favour of Accused No.1 through his son-in-law by executing the power deed. The defacto complainant states that the above-mentioned transactions were influenced by the other accused and Accused No.1 did not give any consideration for the said sales and subsequently, he



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alienated her properties through sale and mortgage. After knowing the above said illegal activity, the defacto complainant had questioned the same, the petitioner along with other accused persons threatened the defacto complainant with dire consequences and abused her by using filthy language. Hence, the case.

4. Mr.S.C.Herold Singh, learned counsel appearing for the petitioner, submits that the petitioner is a practising Advocate. He further submits that the petitioner is representing one of the accused for his case. He further submits that without conducting any proper enquiry, the respondent-Police registered a case against the petitioner and others. He further submits that even as per the complaint, it was the son-in-law of the defacto complainant who was involved in all the transactions; however, he has not been made an accused. He further submits that since this is clearly a civil dispute, it should be decided only before the competent Civil Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that if pre-arrest bail is granted to the petitioner, he may abscond and thereby, causing delay in the investigation proceedings. He further submits that the petitioner along with other accused persons cheated the defacto complainant. He further submits that there are two previous cases pending against the petitioner and both case involve offences under IPC.



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Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

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6. Mr.C.Senthil Muurgan, learned counsel appearing for the defacto complainant, submits that the accused persons cheated the defacto complainant and obtained the sale deed without paying any consideration. Further, the accused persons were alienated the property to Accused Nos.4 and 5. The petitioner has also played major role in the said alienation. Hence, the custodial interrogation of the petitioner is necessary. Accordingly, he opposes to grant pre-arrest bail to the petitioner.

7. Heard the learned counsel on either side and this Court has perused the records.

8. Considering the facts and circumstances of the case and taking note of the fact that entire allegation only made against Accused No.1, hence, custodial interrogation of the petitioner may not be necessary for the investigating agency and this Court while exercising the jurisdiction under Section 482 of BNS, 2023, cannot decide the validity of the sale deed.

9. Whether the consideration has to be paid to the defacto complainant or not can be decided only at the time of trial and since this Court is concerned only with the question of bail, the other issues are left open. The petitioner has permanent residence and also a practising Advocate and hence, there is less possibility of



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absconding, and with a view to give an opportunity to the petitioner to reform himself in the society, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate I, Ramanathapuram, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate I, Ramanathapuram;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate I, Ramanathapuram, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-Police weekly twice (i.e., on Saturday and Sunday) at 10.00 a.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat



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or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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(vi) The petitioner shall not leave India without the previous permission of the Court;

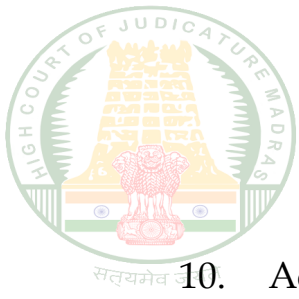
(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and her family members and the witnesses and shall not tamper the evidence;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate I, Ramanathapuram;

(ix) The petitioner should not enter into the residence of the defacto complainant;

(x) The petitioner should not contact the defacto complainant, directly or indirectly through his men, agent or any other electronic devices; and

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Ramanathapuram or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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10. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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/04/2025

Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg
TO

- 1 THE JUDICIAL MAGISTRATE I, RAMANATHAPURAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE, BAZAR POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-3659[I] dated 28/03/2025)

ORDER
IN
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Date :26/03/2025

NBF/SAR/ (25/04/2025) 7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023