



CRL OP(MD). No.1378 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Vanaja

... Petitioner/2nd Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
Crime No.396 of 2024.

... Respondent/Complainant

For Petitioner : Mr. M.Jaisingh
Advocate
For Respondent : Mr.K. Sanjai Gandhi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

for Anticipatory Bail in Crime No.396 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 22.01.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner / Accused No.2 apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 406, 420, 468, 471 and 506(i) IPC in Crime No.396 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the accused persons approached the defacto complainant and informed him that they would arrange a Village Administrative Officer job for him, for which, they demanded a sum of Rs.7,00,000/-. Believing their words, the defacto complainant paid a sum of Rs.5,00,000/- in cash on 01.07.2022 and Rs.7,52,800/- through bank transactions on various dates from 17.12.2022 to 17.07.2024, totalling Rs.12,52,800/-. The accused persons also issued a fake appointment order to the defacto complainant for the post of Village Administrative Officer, dated 28.07.2023. While the defacto complainant was about to join the job, A3 instructed him not to report, stating that the mother of a higher authority had passed away and asked him to wait for a month. After a month, the accused persons informed him that the said authority had been transferred to Chennai. As the defacto complainant continued to inquire about the job, the accused persons issued a fake appointment order for the post of Assistant Section Officer in Chennai. Therefore, the defacto complainant proceeded to Chennai, where he came to know that there was no such job, and he had been



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deceived by the accused persons. On questioning them, the accused persons assured him that the money would be refunded. Thereafter, on 30.07.2024, when the defacto complainant contacted the accused persons, they threatened him with dire consequences and refused to return the money. Hence, the case.

4. Mr.M.Jai Singh, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that it is a case of job racketing and totally three accused persons are involved in this case and the petitioner herein has been arrayed as A2. He further submits that the petitioner's son was arrayed as A1 and A3 is a Government servant. He further submits that the amount involved in this case is more than Rs.10,00,000/-. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence committed by the petitioner and considering the fact that the petitioner's son has been arrayed as A1 and also considering the fact that the petitioner is a woman and considering the fact that the



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petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate No.II, Padmanabhapuram within a period of 15 days from 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 said Magistrate;

(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 shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.396 of 2024 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgment before



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the concerned Judicial Magistrate while executing sureties. On such deposit, the concerned Magistrate shall deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial;

iv) Thereafter, the petitioner shall appear before the respondent police weekly once i.e., on every Monday at 10.30 am until further orders;

(v) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate;

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

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
06/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1378 of 2025
Date :06/02/2025

TRP

MK/SKN/05.03.2025 6P/5C

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