



CRL OP(MD). No.1417 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2025

PRESENT

THE HONOURABLE MR.JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1417 of 2025

Mohanakannan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
District Crime Branch,
Trichy and District.
Crime No.46 of 2024

... Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.46 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 23.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 420 and 406 of IPC in Crime No.46 of 2024 on the file of the respondent-Police.

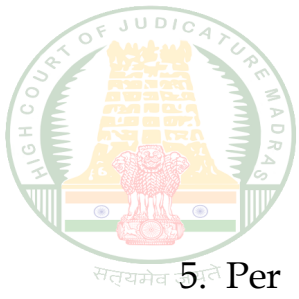


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3. The case of the prosecution is that the petitioner and other accused persons introduced themselves to the defacto complainant as they are running a Company in the name and style of ONYX Academy Consultancy. They assured the defacto complainant that if anyone invested in the share market with amounts ranging from Rs.10,000 to Rs.1,00,000, they would receive interest between 5% and 20%. On believing their words, the defacto complainant invested a sum of Rs.6,00,000/- on various occasions. He also introduced his friends to them, and his friends invested an additional amount of Rs.8,00,000/-. However, till date, the accused have not returned the money to the defacto complainant or his friends. Hence, the case.

4. Mr.D.S.Haroon Rasheed, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-operate with the investigation. He further submits that as per the First Information Report, the petitioner and one Lakshminarayanan / Accused No.2 has received a sum of Rs.4,00,000/- by way of cash, but in fact, the petitioner has received only a sum of Rs.1,00,000/- through bank transaction and. He however submits that the petitioner is willing to deposit a sum of Rs.3,00,000/- to the credit of Crime No.46 of 2024 before the concerned Court. Therefore, he prays for granting pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-Police, submits that the petitioner has received a sum of Rs.14,00,000/- from various persons and cheated them. Accordingly, he prays to dismiss this petition.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the fact that though the FIR was registered in the year 2024, the respondent-Police has not taken any steps to secure the petitioner till now, and taking into account of the undertaking given by the petitioner that he will deposit a sum of Rs.3,00,000/- to the credit of Crime No.46 of 2024 before the concerned Court, and with a view to give an opportunity to the petitioner to reform himself, 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, Trichy, 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



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the satisfaction of the learned Judicial Magistrate I, Trichy;

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(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, Trichy 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 Monday and Friday) 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 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;

(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 shall not tamper the evidence;

(viii) The petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.46 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate I, Trichy, within a period of three weeks from today.



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In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.46 of 2024.

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Trichy 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].

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

sd/-
13/03/2025

/ TRUE COPY /

18/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO मेव जयते

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1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
TRICHY AND DISTRICT.

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

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-2934[I] dated 17/03/2025)

ORDER

IN

CRL OP(MD) No.1417 of 2025

Date :13/03/2025

RS/IT/SAR-(18.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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