



CRL.OP(MD). No.2477 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2477 of 2025

1.M.Jayaraman

2.J.Senthil Kumar

... Petitioners / Accused Nos.1&2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
(Crime No.803 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.803 of 2024 on the file of the respondent-police.

For Petitioners : Mr.H.Mohammed Farook

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 420, 294(b), 506(2) of IPC, in Crime No.803 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that the defacto complainant and the first petitioner/A1 are friends. A1 runs a gas agency in the name and style of Arunachala Gas Agency in Othakadai, Madurai. In February 2024, the petitioners informed the defacto complainant that they intended to sell the gas agency for a sum of Rs.12,00,000/- and requested him either to refer someone for the purchase of the said agency or to purchase it himself. The defacto complainant agreed to purchase it and thereafter paid a sum of Rs.10,00,000/- to the petitioners on 24.04.2024. However, the petitioners failed to transfer the agency as agreed. When the defacto complainant questioned them, they gave flimsy excuses and provided a cheque as security. Despite this, the petitioners neither transferred the agency to the defacto complainant nor returned the amount. On 18.11.2024, when the defacto complainant saw the petitioners near Mattuthavani, he asked them about the issue. At that time, the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.



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4. Mr.H.Mohammed Farook, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a money dispute between the parties. He further submits that there are no previous cases against the petitioners. However, he contends that, if the petitioners are granted pre-arrest bail, they will cause threat to the defacto complainant and the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and also considering the fact that the



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petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that there are no previous cases against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.VI, Madurai, 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) each 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 No.VI, Madurai.

(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.



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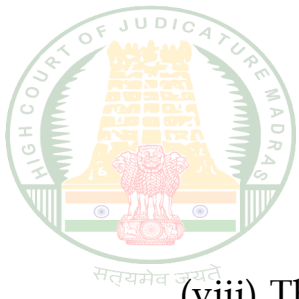
(iii) The first petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders. The second petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners 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 petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.



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(viii) The petitioners shall not enter into the defacto complainant's house or his work place.

(ix) 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 petitioners 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/-
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/02/2025

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

PAL

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.H.MOHAMMED FAROOK, Advocate (SR-1799[I] dated 18/02/2025)

ORDER

IN

CRL OP(MD) No.2477 of 2025

Date :17/02/2025

SS/SKN/SAR- /28/02/2025/ 7P/6C

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