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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2098 of 2025

1. G.Paramakarthik,
S/o Gomathinayagam,
C-21, S.K.S Complex,
Thirunagar 5th Stop,
Madurai 625 006.

2. P.K Saranya,
W/o G.Paramakarthik,
C-21, S.K.S Complex,
Thirunagar 5th Stop,
Madurai 625 006.

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No. 245/2024.

... Respondent/Complainant

For Petitioners : Mr.Gururaj.M,
Advocate.

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



WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.245 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 petitioners on 30.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 417 and 420 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.245 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners herein approached the defacto complainant on 26.03.2023 and received a sum of Rs.3,00,000/- as lent from him. The allegation against the petitioners is that the petitioners issued non CTC Cheques drawn on City Union Bank as a security to the defacto complainant, which were presented by the defacto complainant on 28.06.2023. On 03.07.2023, the Branch

Manager of the Bank called the defacto complainant and stated that the customers of



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all banks were instructed to return the non-CTC cheques as they could not be utilized. With an intention to cheat the defacto complainant, the petitioners instead of providing CTC cheques, issued Non CTC Cheques. When questioned about this, the petitioners did not give a proper answer and also failed to repay the amount. Hence, the defacto complainant lodged a complaint before the respondent Police and the respondent Police registered a case in Crime No.245 of 2024 against the petitioners on 25.10.2024. There are totally two accused persons in this case and both of them are before this Court.

4. Mr.M.Gururaj, learned counsel appearing for the petitioners, would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are willing to abide by any conditions imposed by this Court. He would further submit that there is money transaction between the petitioners and the defacto complainant. The defacto complainant filed a complaint under Section 138 of Negotiable Instruments Act, 1881 against the petitioners and the same was taken on file in S.T.C.No.18 of 2024 on the file of the learned Judicial Magistrate, Fast Track Court No.II, Madurai and the case is still pending. He would therefore pray to grant of pre-arrest bail to the petitioners.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent Police, would submit that there are totally two accused persons in this case. The first petitioner is the husband and the second petitioner is the wife. He would further submit that the petitioners have received a sum of Rs.3,00,000/- from the defacto complainant and refused to repay the same. He would further submit that based on the complaint lodged by the second petitioner, a case came to be registered in Crime No.476 of 2023 as 'Man Missing' case by the Inspector of Police, Thirunagar, Madurai City and charge sheet is yet to be filed. Hence, he would vehemently oppose the grant of pre-arrest bail to the petitioners.

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

7. The petitioners have permanent residence and hence, there is less possibility of absconding. With a view to provide one more opportunity to reform themselves in the society and considering the fact that there is a civil dispute between the parties, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:



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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned District Judicial Magistrate, Thirumangalam, Madurai District within a period of 15 days from today, 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, Thirumangalam, Madurai District;

(ii) Thereafter, the first petitioner shall appear and sign before the respondent Police on every Saturday at 10.00 a.m., until further orders and the second petitioner shall appear and sign before the respondent Police as and when required for interrogation;

(iii) 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, Thirumangalam, Madurai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thirumangalam, Madurai District;



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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumangalam, Madurai District, 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/-
03/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg



TO
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- 1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM, MADURAI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2098 of 2025
Date :03/02/2025

ES/SKN/SAR /20.02.2025/7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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