



CRL.OP(MD). No.2083 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2083 of 2025

Koilpitchai George @ Kovil Pillai George

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.2 of 2025)

... Respondent/ Complainant

Vaiguntha Vignesh

... Intervening Petitioner/
Defacto Complainant/
Defacto Complainant
in crl MP(MD)No.1896 of 2025
in Crl OP(MD)No.2083 of 2025

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 petitioner in Crime No.2 of 2025 on the file of the respondent-police.

For Petitioner : Mr.N.Pragalathan
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor
For Intervenor : Mr.P.Banuprasath



CRL.OP(MD). No.2083 of 2025

WEB COPY

ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 29.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 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 406, 420 and 294(b) of IPC, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant entered into a sale agreement with A1, who is her school mate, for a sum of Rs. 25,00,000/- to purchase her house situated in Pudukottai, Thoothukudi District. A1 received a sum of Rs. 3,50,000/- on 23.01.2024 as an advance and an additional sum of Rs. 1,50,000/- on 19.03.2024, which were paid from the defacto complainant's son-in-law/Mariappan's account. However, on 23.04.2024, A1 sold the house to another person. When the defacto complainant questioned this and demanded a refund of the money, A1 along with her husband (the petitioner herein) abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.



CRL.OP(MD). No.2083 of 2025

WEB COPY

4. Mr.N.Pragalathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor, appearing for the respondent-police, submits that the petitioner and A1 are husband and wife. He further submits that A1 was arrested and is still in judicial custody. He further submits that there are no previous cases against the petitioner. He further submits that custodial interrogation of the petitioner is necessary for the investigation to unearth the truth. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society.

Therefore, there is less possibility for absconding. In view of the offence alleged



CRL.OP(MD). No.2083 of 2025

सत्यमेव जयते
WEB COPY

against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Considering the above and also considering the facts and circumstances of the case and also taking note of the fact that there are no previous cases against the petitioner 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 No.IV, Thoothukudi, Thoothukudi District, 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 learned Judicial Magistrate No.IV, Thoothukudi, Thoothukudi District.

(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.



CRL.OP(MD). No.2083 of 2025

WEB COPY

(iii) The 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.

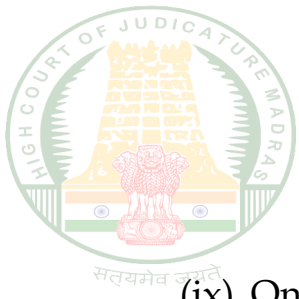
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper with the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.



CRL.OP(MD). No.2083 of 2025

WEB COPY

(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 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/-

14/02/2025

/ TRUE COPY /

/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.IV
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.



CRL.OP(MD). No.2083 of 2025

WEB COPY

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1716[I] dated 17/02/2025)

ORDER

IN

CRL OP(MD) No.2083 of 2025

Date :14/02/2025

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