



CRL.OP(MD). No.2170 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2170 of 2025

Santhiya

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Tenkasi,
Tenkasi District.
(Crime No.12 of 2024)

... Respondent / Complainant

R.Sathyapriya

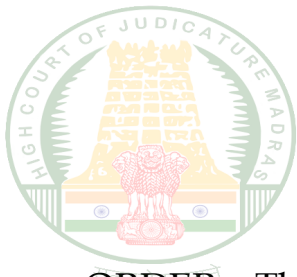
...Petitioner/Defacto Complainant

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 petitioner in Crime No.12 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.P.Sankarakumarakurubaran, Advocate

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

For Intervenor : Mr.R.Anandha Raj, Advocate



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 30.01.2025 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 506(1) of IPC, 1860, in Crime No.12 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant had invested a huge amount of Rs.65,02,880/- in the jewelry shop running by the accused persons in various installments through online mode and by way of cash during the period between January 2021 and August 2024, on the promise that she can get huge profit but they have given only a sum of Rs.3,45,850/- as profit. However, on 07.08.2024, the accused persons closed down the business without any prior intimation to the defacto complainant. When the defacto complainant asked the same to the accused persons, they refused to return the money and also abused in filthy language and threatened with dire consequences. Hence, the case.



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4. Mr.K.P.Sankarakumarakurubaran, 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. He further submits that the petitioner is a woman and she has been implicated only as she is the daughter of Accused Nos.1 and 2 and 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.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 3 accused persons in this case and the petitioner has been arrayed as Accused No.3. He further submits that Accused Nos.1 and 2 were arrested and released on bail. He further submits that the amount involved in this case is nearly Rs.65 lakhs. However, only a sum of Rs.3 lakhs has been recovered and remaining amount is not yet recovered and investigation is not yet completed. Therefore, he contends that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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7. Considering the nature of offence alleged against the petitioner and also considering the fact that the petitioner is a woman and the alleged overt act of the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Hence, 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 her arrest or in the event of her surrender before the learned Judicial Magistrate No.I, Tirunelveli, 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 Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli.

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



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

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

(vi) 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.

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

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1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TENKASI, TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2170 of 2025

Date :07/02/2025

RK/SKN (21/02/2025) 6P / 5C

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