



CRL OP(MD). No.2370 of 2025 &

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2370 of 2025 &
Cr1.M.P.(MD)No.1998 of 2025

Soumi @ Sowmian

... Petitioner/ Accused No.4

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch,
Theni, Theni District.
Crime No.5 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi

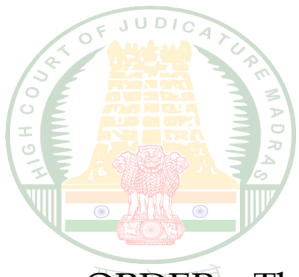
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For Intervenor Mr.M.O.Thevan Kumar

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2025 on the file of the respondent-police.



CRL OP(MD). No.2370 of 2025 &

ORDER : The Court made the following order :-

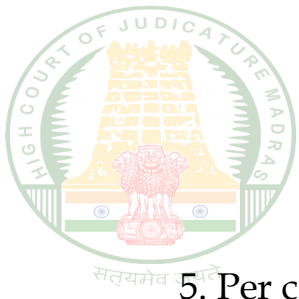
WEB COPY

This Criminal Original Petition has been filed by the petitioner on 05.02.2025 under Section 482 of 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 417, 420, 468, 471, 120(B), 294(b) and 506(i) of Indian Penal Code, 1860, in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that A1 to A3 under the pretense of securing a job to the defacto complainant's son received a sum of Rs.5,00,000/- from the defacto complainant on 05.07.2023. Subsequently, they received a sum of Rs.14,00,000/- and issued fake appointment order. When the defacto complainant questioned the same, the accused persons abused the defacto complainant and threatened him with dire consequences. Hence, the case.

4. Mr.S.Muniyandi, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he 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 and to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.2,50,000/- in the crime number. Hence, he prays for grant of pre-arrest bail to the petitioner.



CRL OP(MD). No.2370 of 2025 &

WEB COPY

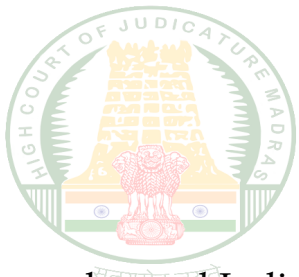
5. Per contra, Mr.M.O.Thevan Kumar, learned counsel appearing for the defacto complainant submits that the accused persons cheated the defacto complainant to the tune of Rs.19,00,000/-. Hence, he submits that the custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss the Criminal Original Petition.

6. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally seven accused persons in this case and that custodial interrogation of the petitioner is necessary in this case to unearth the truth. Accordingly, he prays to dismiss this Criminal Original Petition.

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

8. In view of the averments in the First Information Report and in view of the submissions made by the learned counsel for the petitioner that the petitioner is ready to deposit a sum of Rs.2,50,000/-, 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Theni, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the



learned Judicial Magistrate, Theni;

WEB COPY

(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;

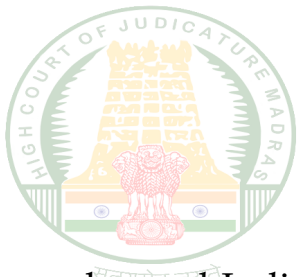
(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, 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;

(vii) The petitioner shall deposit a sum of Rs.2,50,000/- (Two Lakhs and Fifty Thousand only) to the credit of Crime No.5 of 2025 on the file of the respondent-Police before the learned Judicial Magistrate, Theni. The learned Judicial Magistrate, Theni, in turn, shall deposit the same in any interest bearing FD Scheme for a period of one year, and thereafter, renew them till the final Judgment is passed. Further, the



CRL OP(MD). No.2370 of 2025 &

learned Judicial Magistrate, Theni or the Trial Court shall pass orders with regard to the deposited amount while passing final orders / final Judgement.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Theni;

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

(x) On breach of any of the aforementioned conditions, concerned 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 them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, the connected Miscellaneous Petition is closed.

sd/-
20/03/2025

/ TRUE COPY /

/04/2025

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



CRL OP(MD). No.2370 of 2025 &

म्बी
WEB COPY
TO

- 1.THE JUDICIAL MAGISTRATE, THENI DISTRICT.
2. DO THROUGH CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.2370 of 2025
Date :20/03/2025

PR/SAR/ (21/04/2025) 6P / 5C

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