



CRL OP(MD). No.2472 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. S. Chokkalingam
2. S. Saravanan

... Petitioners / Accused Nos.2&3

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No. 233 of 2024)

... Respondent/Complainant

For petitioners : L Ramu,
Advocate.

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

For intervenor : Mr.D. Venkatesh

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 233 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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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.

2. The petitioners / Accused Nos.2 and 3, apprehends arrest at the hands of the respondent-police. Initially, the case was registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 140(3), 329(4), 305(a) and 351(3) of BNS, 2023, later, it was altered as 191(2), 191(3), 296(b), 115(2), 118(1), 140(1), 329 (4), 305(a), 351(3) of BNS, 2023, in Crime No.233 of 2024 on the file of the respondent-police.

3. The defacto complainant borrowed 1.10 Crores from petitioner / A1 in 2022 for building a house and running hotel business. Despite of repaying 75 Lakhs, petitioner and other accused illegally confined, assaulted and threatened him to forcibly register his 51.75 Crores worth property. They kidnapped the defacto complainant across several places, including Malaysia seized his passport and extracted money and property under duress. Hence, the case.

4. Mr.L.Ramu, the learned counsel for the petitioners, submits that the petitioners are innocent person, and they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further



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submits that the petitioners are ready to abide by any conditions to be imposed by this Court. However, to show their *bona fide*, they are ready and willing to pay a sum of Rs.3,50,000/- to the credit of Crime No.233 of 2024 before the trial Court concerned. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Mr. D.Venkatesh, the learned counsel for the intervenor submits that if the petitioners are granted bail, they will cause threat to life of the defacto complainant. Hence, he opposes to grant pre-arrest bail to the petitioners.

6. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the offence committed by the accused persons are very serious in nature and the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

8. Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready and willing to deposit a sum of Rs.3,50,000/-, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the



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same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail 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, Karaikudi, 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.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 said Magistrate.

(ii) The petitioners shall deposit a sum of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) each to the credit of Crime No.233 of 2024 before the learned Judicial Magistrate, Karaikudi, without prejudice to their rights and contentions before the trial Court. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the amount in its final Judgment / order.

(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



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Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
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identity proofs to ensure their identity.

(iv) The petitioners shall appear and sign before the respondent – Police daily at 10.00 am until further orders.

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

(vi) 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 them from disclosing such facts to the Court or to any police officer.

(vii) The petitioners shall not leave India without the prior permission of the Court.

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

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

(x) The petitioners shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(xi) 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



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against the petitioners in accordance with law as if the aforementioned conditions
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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]*.

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

08/04/2025

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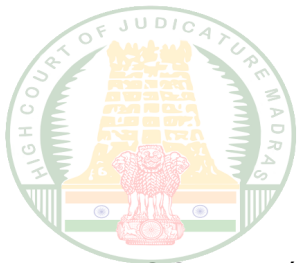
/ /2025

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

TRP

TO

1. The Judicial Magistrate, Karaikudi.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.L.RAMU, Advocate (SR-4120[I] dated 09/04/2025)

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+1 CC to M/s.D.VENKATESH, Advocate (SR-4153[I] dated 09/04/2025)

+1 CC to M/s.L.RAMU, Advocate (SR-2951[I] dated 17/03/2025)

ORDER
IN

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Date : 08/04/2025

BV (07/05/2025) 7P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.