



CRL.OP(MD). No.2490 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2490 of 2025

T.Mohanraj

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.1 of 2025)

... Respondent / 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.1 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Karnan,
for Mr.K.M.Karunakaran,
Advocate

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

For Intervener : Mr.K.Yasar Arafath
Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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, 406, 420, 506(i) of IPC, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the accused persons are said to have received a total sum of Rs.42,00,000/- (Rs.18,09,500/- as cash to the petitioner (A1) and Rs.23,93,500/- to the account of the other accused persons as directed by A1) from the defacto complainant and his relatives in the pretense of securing jobs in State and Central Government Departments. However, the accused persons failed to comply with the promise. A1 returned back only a sum of Rs.8,50,000/- to the defacto complainant. The balance amount a sum of Rs.33,50,000/- was not returned back. On questioning the same, the accused persons abused the defacto complainant and his wife in filthy language and threatened with dire consequences. Hence, the case.

4. Mr.G.Karnan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by



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the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was received only a sum of Rs.8,50,000/- and the same was returned back to the defacto complainant. He further submits that no amount is due and no amount is payable by the petitioner to the defacto complainant. 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.S.S.Manoj, the learned Government Advocate (Criminal Side), appearing for the respondent-police, submits that a total sum of Rs.42,00,000/- is involved in this case and that the petitioner was received a total sum of Rs.18,09,500/- from the defacto complainant and returned a sum of Rs.8,50,000/-. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and all other victims. Hence, 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.

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



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therefore, there is less possibility for absconding. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Considering the same and also taking into account of the fact that the petitioner is ready to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only), 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.I, Trichy, 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.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Trichy.

(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 deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs



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only) to the credit of the Crime No.1 of 2025 on the file of the respondent police,
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before the learned Judicial Magistrate No.I, Trichy, within a period of eight weeks from the date of receipt of a copy of this order. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.1 of 2025.

(iv) The petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.

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

(vi) 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.

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



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

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

(x) 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/-
20/02/2025

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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.I
TRICHY.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-1933[I] dated 21/02/2025)

ORDER
IN
CRL OP(MD) No.2490 of 2025
Date :20/02/2025

SS/SKN/SAR- /10/03/2025/ 7P/6C

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