



CRL OP(MD) No.2537 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2537 of 2025

and

CRL MP(MD) No.2018 of 2025

Karthikeyan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No. 21/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Sankar, Advocate

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

For intervener : Mr.C.Senthil Murugan, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.21 of 2024 on the file of the respondent -police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025
under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 09.01.2025 for the alleged offences punishable under Sections 420 and 506(i) of IPC in Crime No.21 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is a senior citizen aged about 67 years, entered into a Lease Agreement with one Jeyalakshmi in respect of the land belonging to the school for running a petty shop. At that time, the defacto complainant gave a sum of Rs.3,00,000/- to the said Jeyalakshmi, who was the Correspondent of the school. After the lease period, the defacto complainant approached the petitioner, who is the son of the said Jeyalakshmi and now the Correspondent of the school, for the return of the lease amount. The petitioner stated that he had no money at that time. He also executed an Assurance Deed dated 02.02.2021, assuring that he would return the amount within three months. However, the same has not been returned.

4. In the meantime, one Lingam, Dhamodharan, and Selvam approached the defacto complainant and stated that the petitioner intended to sell the vacant land situated near the shop for which the lease agreement was executed. The defacto complainant contacted the petitioner over the phone. Following his instructions, the defacto complainant paid a sum of Rs.13,20,000/- on various dates to the said three



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persons* [Rs. 20,000/- on 25.05.2019, Rs. 2,00,000/- on 27.05.2019, Rs. 6,00,000/- on 19.06.2019, and Rs. 5,00,000/- on 08.07.2019]. the petitioner also executed an Assurance Deed dated 31.01.2021. Thereafter, the petitioner did not execute the sale deed on receiving the remaining amount and did not return the amount of Rs.16,20,000/- [Rs. 3,00,000 + Rs.13,20,000]. The petitioner further threatened the defacto complainant with dire consequences. Hence, the case.

5. Mr.S.Sankar, the learned counsel appearing for the petitioner, submits that the petitioner is willing to execute the sale deed as per the terms and conditions stipulated in the Assurance Deed executed on 31.01.2021 made between the petitioner and the defacto complainant. He further submits that the petitioner has been in judicial custody since 09.01.2025. He therefore prays to grant bail to the petitioner.

6. Mr.C.Senthil Murugan, learned counsel for the defacto complainant/intervener, submits that defacto complainant agrees for the said proposal.

7. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has no previous case.

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

9. The petitioner was arrested on 09.01.2025 and has been in judicial custody.

The petitioner has permanent residence and deep roots in the society. Hence, there is



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less possibility of absconding. Considering the same and considering the period of incarceration and considering the facts that the petitioner is willing to execute the sale deed and with a view to give an opportunity to the petitioner, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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.II, Ramanathapuram;

(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, No.II, Ramanathapuram shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(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



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from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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(vi) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(vii) The petitioner shall appear and sign before the learned Judicial Magistrate, No.II, Ramanathapuram, weekly once i.e., on Monday at 10.30 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, No.II, Ramanathapuram 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. Consequently, the connected Miscellaneous Petition is closed.

sd/-
17/02/2025

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17/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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APD

TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.SANKAR, Advocate (SR-1725[I] dated 17/02/2025)

ORDER
IN

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Date :17/02/2025

SA/SAR. /17.02.2025/6P/7C

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