



CRL.OP(MD). No.2701 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2701 of 2025

Selvarani

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.
(Crime No.17 of 2024)

... Respondent / Complainant

Nanthakumar

... Petitioner/ Intervener
De-facto 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.17 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Gunasekarapandiyan
Advocate

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

For Intervener : Mr.D.Balamurugapandi,
Advocate



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 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 and 420 of IPC, in Crime No.17 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's brother had approached A1 for the purchase of a piece of land in Ramanathapuram Town. Between the years 2021 and 2023, the brother of the defacto complainant transferred a total sum of Rs. 86,00,000/- in several installments to A1. However, A1 failed to register the land in his name. Despite repeated requests from both the defacto complainant and his brother for the return of the money, A1 did not refund the amount. A1 claimed that he had borrowed money from his friends and relatives and assured the defacto complainant that he would collect the funds and return the amount. Further, A1 and his relative promised to repay the money and executed a



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written agreement to that effect. However, the amount was not returned, prompting the defacto complainant to file a complaint with the respondent-police, leading to the registration of the present case.

4. Mr.K.Gunasekarapandiyan, 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 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. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there was a money dispute between the parties. He further submits that there are no previous cases against the petitioner. He further submits that the petitioner along with other accused persons cheated the defacto complainant and his brother. He further submits that if pre-arrest bail is granted to the petitioner, she will cause threat to the defacto complainant and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.



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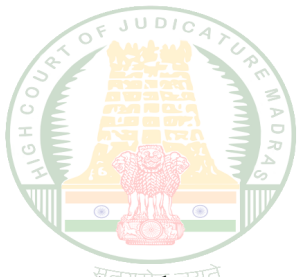
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6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and taking into account of the fact that the petitioner is ready to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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.II, Ramanathapuram District, 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 learned Judicial Magistrate No.II, Ramanathapuram District.

(ii) The sureties shall affix their photographs and left thumb impression in the



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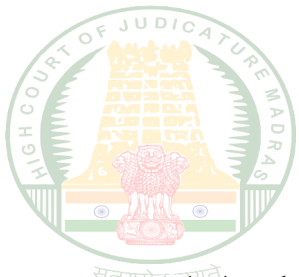
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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the Crime No.17 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate No.II, Ramanathapuram District., within a period of two months from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any 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.17 of 2024.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.30 a.m. until further orders.

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



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(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 also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

(ix) The petitioner shall furnish her 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].



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

sd/-
11/03/2025

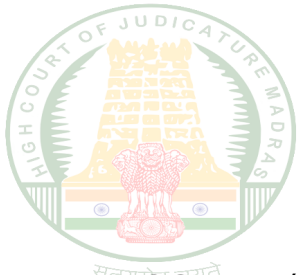
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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate No.II,
Ramanathapuram District.
2. Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-2754[I] dated 13/03/2025)

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Order made in
CRL.OP(MD). No.2701 of 2025
11.03.2025

VN (01/04/2025) 8P / 6 C

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