



CRL.OP(MD).No.2747 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.02.2025

Pronounced on : 09.04.2025

COROM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.2747 of 2025

1.Jeyalatha

2.Kamudurai

... Petitioners / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.15 of 2019)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge petitioners on pre-arrest bail in the event of their arrest or surrender in Crime No.15 of 2019 on the file of the respondent-police.

For Petitioners : Mr.S.Muniyandi,
Advocate.

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

ORDER

This Criminal Original Petition has been filed by the petitioners on 12.02.2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

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grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 420 and 409 of Indian Penal Code, 1860, in Crime No.15 of 2019 on the file of the respondent-police.

3. The case of the prosecution is that the husband of the first petitioner worked as a Supervisor in Radiant Cash Management Private Ltd., while the defacto complainant served as the Regional Manager of the company. The first petitioner's husband was employed as a Supervisor from 01.08.2009 and was responsible for collecting money from customers. However, he failed to remit the collected amount to the company and allegedly, misappropriated nearly one crore rupees. As a result, the first petitioner's husband was arrested and remanded to judicial custody. Subsequently, the petitioners were implicated as accused persons in this case.

4. Mr.S.Muniyandi, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the defacto complainant had not produced any document to show that the money was swindled by the petitioners. He further submits that investigation has not been properly conducted by the respondent-police. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He



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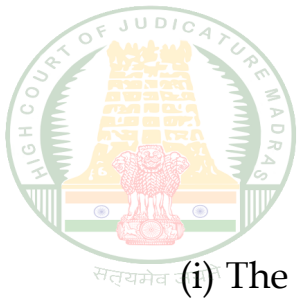
therefore prays for grant of pre-arrest bail to the petitioners.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that investigation has been completed in this case and charge sheet has been filed. He further submits that the first petitioner is the wife of the main accused person. Therefore, he contends that, if the petitioners are granted pre-arrest bail, they will abscond and will not appear before the Trial Court, thereby delaying the Trial proceedings. Hence, he submits that the custodial interrogation of the petitioners is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. Perused the records.

7. Investigation has been completed and charge sheet has been filed. As per the prosecution, the first petitioner's husband is the main accused and he has been arrested. In view of the fact, this Court is of the view that the custodial interrogation of the petitioners is not necessary. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, gravity of the offence alleged against the petitioners 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.



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(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, Theni, 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.25,000/- (Rupees Twenty Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate, Theni.

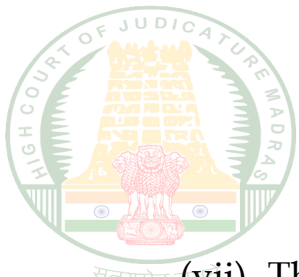
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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

(v) 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 him / her from disclosing such facts to the Court or to any police officer.

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



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

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

(ix) 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 petitioners in accordance with law as if the aforementioned conditions are imposed by him / her 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/-
09/04/2025

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

PAL
TO
1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2747 of 2025
Date :09/04/2025

SA/SAR. /25.04.2025/6P/5C

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