



CRL.OP(MD). No.2861 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2861 of 2025

Rajeshkumar

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
City Crime Branch,
Madurai City,
Madurai District.
(Crime No.40 of 2024)

... 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.40 of 2024 on the file of the respondent-police.

For Petitioner : Mr.Gopalakrishna Lakshmana Raju
Senior Counsel
for Mr.J.Jawahar

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.02.2025



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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 61(2), 314, 316(4), 318(4), 322 and 324 of BNS, in Crime No.40 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, the Branch Manager of Central Bank of India, had an agreement with Phobos Gold Technology Pvt. Ltd. (A4) to call for the application to the post of gold appraisers for the bank. Subsequently, Velmurugan (A1) was appointed as an appraiser on 15.05.2024. On 31.08.2024 at about 4.00 p.m., one of the bank staffs asked the said Velmurugan to present the jewels appraised on that day. He has given 112.5 grams of jewels pledged by one Anjeline Jain Vanitha (A3). Suspecting its authenticity, the said staff verified it. At that time, it was revealed that the jewels were gold plated. Thereafter, A3 was called for enquiry but failed to appear. On enquiry, it was revealed that A3 had visited the bank with Rajeshkumar (Petitioner/ A2), who also did not respond when summoned. On verification, it was further revealed that the said appraiser with the help of the petitioner and A3, in their names, had availed gold loans for a total sum of Rs.27,33,000/- by pledging 679 grams of fake gold jewels. Hence, the case.



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4. Mr.Gopalakrishna Lakshmana Raju, the learned senior counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he 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. 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 there are totally 4 accused persons in this case and the petitioner has been arrayed as Accused No.2. He further submits that a total sum of Rs.27,33,000/- is involved in this case. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and witnesses and tamper with the evidence. 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.



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Therefore, there is less possibility of absconding. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Considering the above and taking into account the fact that the petitioner is ready to pay a sum of Rs.20,96,000/- (Rupees Twenty Lakhs and Ninety Six Thousand 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, Madurai, 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 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.I, Madurai.

(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.20,96,000/- (Rupees Twenty Lakhs



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and Ninety Six Thousand only) to the credit of the Crime No.40 of 2024 on the file of
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the respondent-police, before the learned Judicial Magistrate No.I, Madurai. 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.40 of 2024.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday 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 leave India without the previous permission of the Court.

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



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(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 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/-
17/02/2025

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

PAL
TO

1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
MADURAI CITY.
MADURAI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.2861 of 2025
Date :17/02/2025

SS/SKN/SAR- /28/02/2025/ 7P/5C

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