



CRL OP(MD). No.2811 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

(Criminal Jurisdiction)

Date : 21/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.2811 of 2025

M.Balasubramaniam

... Petitioner

Vs

The State of Tamil Nadu Rep by
The Inspector of Police,
District Crime Branch
Theni District
Crime No. 37 of 2024

...Respondent

For Petitioner : Mr.K.M.Subramanian
Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.37 of 2024 on the file of the respondent police.



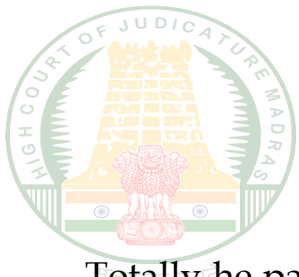
CRL OP(MD). No.2811 of 2025

ORDER : The Court made the following order :-

WEB COPY

The petitioner/ Accused, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 417,420 and 120(B) of IPC in Crime No.37 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 15.01.2024 one Revathy and her son through third accused Veeran approached the petitioner and his wife and represented that they have gold coins and the defacto complainant also agreed to purchase 20 sovereigns of gold jewels. However they represented that minimum 125 sovereigns have to be purchased. After the above said representation they have also sent whatsapp message from the fourth respondent cell and sated that the expenses would come around Rs.75,45,429/-. Thereafter the defacto complainant paid the above said amount on various dates for a sum of Rs.24,50,000/-. Thereafter in the month of March 2024 the second and third accused admitted receipt of Rs.69 lakhs and the fourth respondent also confirmed the receipt of gold coins and demanded for making charges. Accordingly the defacto complainant paid a sum of Rs.1,25,000/- to the account of fourth respondent from the account of the wife of the petitioner. Therefore based on the above said representation the fourth accused had sent amount to the bank account of A1 to A3 and a sum of Rs.2,00,000/- was sent to the fifth accused and Rs.5,75,000/- was paid to the petitioner's account.



CRL OP(MD). No.2811 of 2025

WEB COPY

Totally he paid a sum of Rs.74,75,000/- to the accused, thereby the accused cheated the defacto complainant. The petitioner neither repaid the amount nor handed over the jewels as agreed by them. In the mean time on 08.04.2024. A1 to A3 executed deed for a sum of Rs.74,75,000/- and therefore they have cheated the defacto complainant and therefore the defacto complainant lodged a complaint and a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner has no knowledge about the defacto complainant and the business transactions between the defacto complainant and A1 and her husband A3. As per the First Information Report by the respondent police the petitioner never had any conspiracy with the other accused involved in this case. The petitioner never had any mutual agreement or legal contract either in the form of receiving any commission or any monetary personal gain by the above said transactions. However to show his bonafideness he is ready to deposit a sum of Rs. 5,50,000/- before the Court without prejudice his defence. Hence, he prayed this Court to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the on 15.01.2024 one Revathy and her son through third accused Veeran approached the

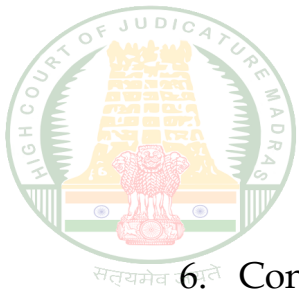


CRL OP(MD). No.2811 of 2025

WEB COPY

petitioner and his wife and represented that they have gold coins and the defacto complainant also agreed to purchase 20 sovereigns of gold jewels. However they represented that minimum 125 sovereigns have to be purchased. The above said representation they have also sent whatsapp message from the fourth respondent cell and sated that the expenses would come around Rs.75,45,429/-. The fourth respondent also confirmed the receipt of gold coins and demanded for making charges. Accordingly the defacto complainant paid a sum of Rs.1,25,000/- to the account of fourth respondent from the account of the wife of the petitioner. Therefore based on the above said representation the fourth accused had sent amount to the bank account of A1 to A3 and a sum of Rs.2,00,000/- was sent to the fifth accused and Rs.5,75,000/- was paid to the petitioner's account. Totally he paid a sum of Rs.74,75,000/- to the accused, thereby the accused cheated the defacto complainant. The petitioner neither repaid the amount nor handed over the jewels as agreed by them on 08.04.204. A1 to A3 executed deed for a sum of Rs.74,75,000/- and therefore they have cheated the defacto complainant. Investigation in this case is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.



CRL OP(MD). No.2811 of 2025

WEB COPY

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner, the fact that no previous case is pending against the petitioner and now the petitioner is ready to deposit a sum of Rs.5,50,000/- before the trial Court and also considering the date of registration of the First Information Report, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of one month from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 until further orders.

[b] 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;



CRL OP(MD). No.2811 of 2025

WEB COPY

[c] the petitioner shall deposit a sum of Rs.5,50,000/- to the credit of Crime No.37 of 2024 on the file of the respondent police before the trial Court within one month and the trial Court is directed to deposit the amount in Fixed deposit in any one of the nationalized bank till the disposal of the main case.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

sd/-
21/04/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

aav



CRL OP(MD). No.2811 of 2025

TO मेव जयते

WEB COPY

1 THE JUDICIAL MAGISTRATE,
THENI.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

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.2811 of 2025

Date :21/04/2025

MK/SAR /06.05.2025 7P/5C

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