

CRL.OP(MD).2931 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).2931 of 2025

Nithiarasan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Cantonment Police Station,
Trichy District.
(Crime No.193 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.193 of 2024 on the file of the respondent-police.

For Petitioner : Mr.S.Manojkumar,
Advocate

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

ORDER : The Court made the following order :-

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

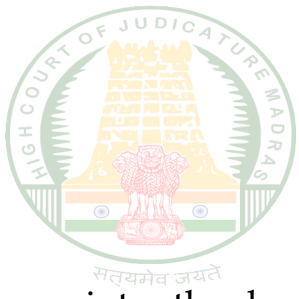
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

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



2. The petitioner/A1 was arrested and remanded to judicial custody on 28.12.2024 for the alleged offences punishable under Sections 147, 294(b), 420 and 506 (i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 altered into Sections 294(b), 420 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.193 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, along with the other accused persons, received a sum of Rs.78,00,000/- from the defacto complainant and some other persons on the promise that they would secure Central Government Jobs for them. The alleged money transactions took place between November 2020 and August 2021. Thereafter, the accused persons failed to keep their promise and repay the amount. When this was questioned, on 07.01.2022, at about 02:30 p.m., some of the accused persons abused the defacto complainant and her husband, using filthy language and also threatening them with dire consequences. On 13.01.2022, at about 12:30 p.m., some other accused persons, with the help of rowdy elements, trespassed



CRL.OP(MD).2931 of 2025

into the house of the defacto complainant and threatened her and her family members with dire consequences. Hence, the case.

4. Mr.S.Manojkumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 28.12.2024. He further submits that the petitioner is also one of the victims. He however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that more than 10 persons were involved in this crime, and the petitioner has been arrayed as A1. He further submits that the investigation is still pending. He also submits that a total of Rs. 78,00,000/- is involved in this case. Therefore, he contends that, if the petitioner is released on bail, there is possibility of absconding and causing threat to the defacto complainant. Hence, he prays for the dismissal of this petition.

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



CRL.OP(MD).2931 of 2025

WEB COPY

7. The petitioner was arrested and has been in incarceration since 28.12.2024. Till date, the respondent police have not taken any steps to secure the named accused persons (A2 and A3). This Court is of the view that no useful purpose would be served by keeping the petitioner alone in prison. In view of the same, 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, Additional Mahila Court, Trichy.

(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 appear and sign before the learned Judicial Magistrate,

Additional Mahila Court, Trichy, on all working days at 10.30 a.m. until further

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



CRL.OP(MD).2931 of 2025

orders.

WEB COPY

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

(v) 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.

(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 or tamper with the evidence.

(vii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant or her family members and witnesses.

(viii) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode.



CRL.OP(MD).2931 of 2025

WEB COPY

(ix) The petitioner shall not enter into the defacto complainant's house or her work place.

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

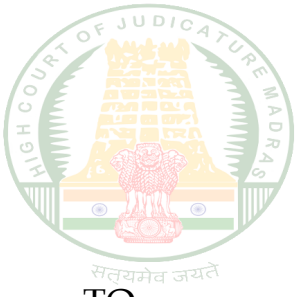
(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
21/02/2025

/ TRUE COPY /

21/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL.OP(MD).2931 of 2025

TO
WEB COPY

- 1.THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-1954[I] dated 21/02/2025)

ORDER
IN

CRL OP(MD) No.2931 of 2025
Date :21/02/2025

RK(21/02/2025) 7P / 7C

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