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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2025**

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2938 of 2025

1.Suganthi

2.Arunkumar ... Petitioners / Accused Nos.2 & 5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.1 of 2025) ... 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 petitioners in Crime No.1 of 2025 on the file of the respondent police.

For Petitioners : Mr.K.Sivabalan
for M/s.Aran Legal Consulatancy,
Advocate

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

For Intervener : Mr.K.Yasar Arafath
Advocate

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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 13.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 417, 406, 420, 506(1) of IPC, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the accused persons are said to have received a total sum of Rs.42,00,000/- (Rs.18,09,500/- as cash to A1 and Rs.23,93,500/- to the account of the petitioners and other accused persons as directed by A1) from the defacto complainant and his relatives in the pretense of securing jobs in State and Central Government Departments However, the accused persons failed to comply with the promise. A1 returned back only a sum of Rs.8,50,000/- to the defacto complainant. The balance amount a sum of Rs.33,50,000/- was not returned back. On questioning the same, the accused persons abused the defacto complainant and his wife in filthy language and threatened with dire consequences. Hence, the case.

4. Mr.K.Sivabalan, the learned counsel for the petitioners, submits that the

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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 no amount is payable by the petitioners to the defacto complainant. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra,* Mr.S.S.Manoj, the learned Government Advocate (Criminal Side), appearing for the respondent-police, submits that a total sum of Rs.42,00,000/- is involved in this case and that the accused persons only returned a sum of Rs.8,50,000/- to the defacto complainant. Therefore, he contends that, if the petitioners are granted pre-arrest bail, they will cause threat to the defacto complainant and all other victims and hence, 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. This Court has perused the records.

7. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. In view of the offence alleged against the petitioners, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. Considering the same and also taking into

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account of the fact that the petitioners are ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(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 No.I, Trichy, 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.50,000/- (Rupees Fifty Thousand only) each along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, 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 petitioners shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of the Crime No.1 of 2025 on the file of the respondent police, before the learned Judicial Magistrate No.I, Trichy, within a period of eight weeks from the date of receipt of a copy of this order. 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

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the case in Crime No.1 of 2025.

(iv) The petitioners shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.

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

(vi) 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 from disclosing such facts to the Court or to any police officer.

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

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

(ix) The petitioners shall furnish their 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 petitioners 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/-
20/02/2025

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/03/2025

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
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY

3 THE INSPECTOR OF POLICE,
CCB,
TRICHY DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-1950[I] dated 21/02/2025)

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ORDER
IN
CRL OP(MD) No.2938 of 2025
Date :20/02/2025

SS/SKN/SAR- /10/03/2025/ 7P/6C

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