



CRL OP(MD). No.3266 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3266 of 2025

1. Ramesh

2.Kanchana

... Petitioners/ Accused 1 & 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
District Crime Branch, Sivagangai.
Crime No. 11/2022.

... Respondent/Complainant

For Petitioners : Mr. J.Kingsly Solomon
Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

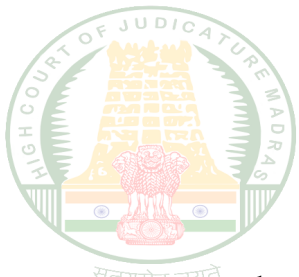
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-24AB. For Anticipatory bail in Crime No. 11 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 19.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



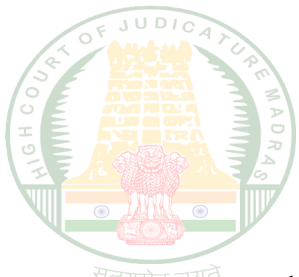
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2. The petitioners / A1 and A2 apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 406, 468, 471, 420 and 120B of IPC, in Crime No.11 of 2022 on the file of the respondent-police.

3. The case of the prosecution is that on giving a false promise to the defacto complainant that the petitioners will make arrangement to get commercial orders from the Department of Education and obtained a sum of Rs.25,45,000/- as commission, which was credited to the accounts of the accused persons. Subsequently, the petitioners handed over a G.O, dated 10.06.2019 to the defacto complainant, based on which the defacto complainant supplied goods worth about Rupees Two Crores to various schools. Later, he came to know that the said G.O handed over by the petitioners is a fake and it was a forged one. When the same was questioned by the defacto complainant, they threatened him. Hence, the case.

4. Mr.I.Kingsly Solomon, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submits that defacto complainant has filed a suit in O.S.No.109 of 2022 on the file of the Additional District Judge, Sivagangai and the same was decreed ex parte. Further, in the said suit the defacto complainant has filed Interlocutory Application and the same was allowed and the property of the 1st petitioner has been attached.



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However, the defacto complainant lodged the present complaint against the petitioner. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that investigation in this case has already been completed and the charge sheet is going to be filed shortly. He further submits that the petitioners along with other accused persons, cheated the defacto complainant. Hence, he prays for dismissal of 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. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and the property of the 1st petitioner has already been attached in the suit filed by the defacto complainant, and taking note of the fact that the investigation in this case has already been completed and the charge sheet is going to be filed, and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the



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petitioners subject to the following conditions:

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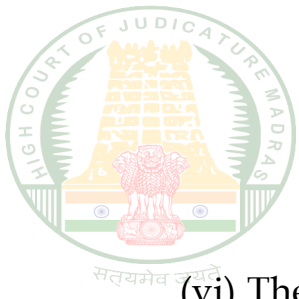
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Sivagangai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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.II, Sivagangai.

(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 No.II, Sivagangai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the learned Judicial Magistrate No.II, Sivagangai on all working days at 10.00 am 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 from disclosing such facts to the Court or to any police officer.



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

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Sivagangai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Sivagangai, 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].

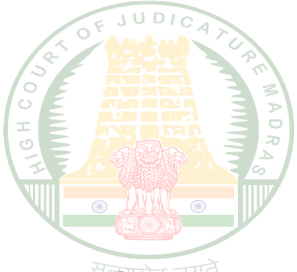
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
18.03.2025

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

trp



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TO
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1. The Judicial Magistrate No.II, Sivagangai,
 2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
 3. The Inspector of Police,
District Crime Branch, Sivagangai.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.J.KINGSLY SOLOMON, Advocate (SR-3102[I] dated 19/03/2025)

ORDER
IN
CRL OP(MD) No.3266 of 2025
Date : 18/03/2025

SL(03.04.2025)/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.