



CRL.OP(MD).No.3486 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.3486 of 2025

Suresh

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch Police Station,
Tenkasi District.
(Crime No.10 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.10 of 2024 on the file of the respondent-police.

For Petitioner : Mr.G.Thalaimutharasu,
Advocate
for Mr.C.Christopher,
Advocate.

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

For Intervener : Mr.O.R.Gokul Abimanyu,
Advocate
for M/s.C.Arulvadvel Associates

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 21.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 316(2), 318(4), 336(2), 336(3) and 340(2) of BNS, 2023, in Crime No.10 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant approached the petitioner for obtaining planning approval for his land. The petitioner received a sum of Rs. 38,75,000/- for the approval process and, on 09.07.2024, issued a fake approval, purportedly from the Town and Country Planning Authority. Hence, the complaint.

4. Mr.G.Thalaimutharasu, the learned counsel appearing for Mr.C.Christopher, 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 falsely implicated in this case. He further submits that the petitioner has fully co-operated with the respondent-police during the course of enquiry. He however submits that the petitioner is ready to abide by



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any conditions that may be imposed by this Court. Accordingly, he prays for grant of
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pre-arrest bail.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner issued fake order as if, it was issued by the Town and Country Planning Department. He therefore contends that if pre-arrest bail is granted to the petitioner, he will abscond and cause threat to the defacto complainant and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.O.R. Gokul Abimanyu, the learned counsel for the intervener, submits that this is the third anticipatory bail application filed by the petitioner. On the earlier occasions, the petitioner withdrew his applications as this Court was not inclined to grant anticipatory bail. A perusal of the order dated 13.12.2024 in CrI.O.P.(MD) No. 22101 of 2024 reveals that this Court was not inclined to entertain the anticipatory bail petition filed by the petitioner. He further submits that the present petition is replete with false contentions and is liable to be dismissed. He also submits that the allegations made against the accused in the FIR prima facie constitute offences of



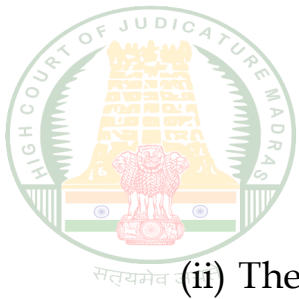
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criminal breach of trust, forgery, and cheating, thereby making out a case against the accused. Hence, custodial interrogation of the petitioner is necessary. Accordingly, he prays to dismiss this Criminal Original Petition.

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

8. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Hence, this Court does incline to grant an order of pre-arrest bail to the petitioner, however 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, Tirunelveli, 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) 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, Tirunelveli.



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(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 respondent-police daily at 09.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

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

(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.

(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



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against the petitioner in accordance with law as if the aforementioned conditions are
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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/-
02/04/2025

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/04/2025
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
TIRUNELVELI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.C.CHRISTOPHER, Advocate (SR-3911[I] dated 04/04/2025)



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ORDER

IN

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Date :02/04/2025

HPS/SAR / 22.04.2025/7P/6C

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