



CRL OP(MD). No.3599 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3599 of 2025

Athvik @ Seenivasan

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thiruppalai Police Station,
Madurai District.
Crime No. 1141/2024.

... Respondent/Complainant

For Petitioner : Mr. K.P. Narayanakumar, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-For Anticipatory bail in Crime No.1141 of 2024 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.02.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner / accused No.3 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 318(4) of Bharatiya Nyaya Sanhita, 2023, in Crime No.1141 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that the defacto complainant is involved in buying old gold jewels under the name and style of S.K.Gold Buyers. He also redeems pledged jewels from financial company and advertises his company through Google ads. On 25.11.2024 at about 4.00 pm, one Santhosh, called him on his mobile phone, stating that he had pledged 23 gms of jewels in Muthoot Finance at Iyyer Bungalow and asked the defacto complainant to redeem the same and buy the same at market value. Believing this, the defacto complainant went to Muthoot Finance in Iyyar Bungalow with the alleged amount. The accused person then arrived at the spot and received a sum of Rs.73,500/- from defacto complainant for redeeming and escaped through other way and thereby, cheated him. Hence, the case.

4. Mr.K.P.Narayana Kumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be



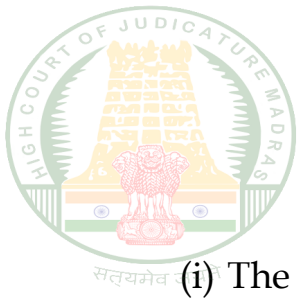
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imposed by this Court. He therefore prays for grant of pre-arrest bail to the
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petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that this is the second pre-arrest bail petition of the petitioner and the earlier petition filed by the petitioner in CrI.O.P(MD).No.775 of 2025 was withdrawn by him on 22.01.2025. He further submits that the investigation of the case is still pending and therefore, at this stage, if the petitioner is granted pre-arrest bail, he may abscond, commit similar offence and tamper with the evidence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the nature of allegation against the petitioner, and with a view to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



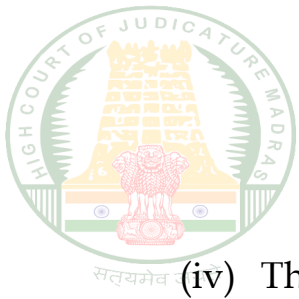
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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Madurai, within a period of 15 days from the date on which the order copy is made ready, 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 said Magistrate.

(ii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.1141 of 2024 before the learned Judicial Magistrate No.II, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trials;

(iii) 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.



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(iv) The petitioner shall appear and sign before the concerned Judicial Magistrate daily at 10.00 am until further orders.

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

(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.

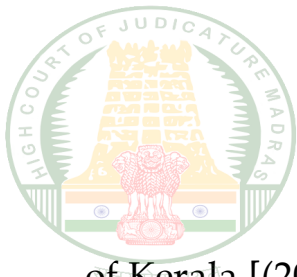
(vii) The petitioner shall not leave India without the previous permission of the Court.

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

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

(x) The petitioner shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(xi) 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 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



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of Kerala [(2005) 13 SCC 283].

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

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI
DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUPPALAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-2280[I] dated 03/03/2025)



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ORDER
IN
CRL OP(MD) No.3599 of 2025
Date :28/02/2025

MK/VR/SAR /13.03.2025 7P/6C

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