



CRL OP (MD) No.3487 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3487 of 2025

1.M.Navaneetham,
W/o.Muruganantham,
No.2/394, Kudiyaana Street,
Sermanallur,
Papanasam Taluk,
Ukkadai, Thanjavur 614 401.

2.Muruganantham,
S/o.Kulandhaiyan,
No.395, Kudiyaana Street,
Sermanallur,
Papanasam Taluk,
Ukkadai, Thanjavur 614 401.

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch,
Thanjavur
Crime No. 2/2025

... Respondent/Complainant

For Petitioners : Mr.A.Parthasarathy, Advocate,
for M/s.A.Parthasarathy and Associates

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



CRL OP (MD) No.3487 of 2025

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:-

For Bail in Crime No.2 of 2025 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 21.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 18.02.2025 for the offences punishable under Sections 420, 294(b), 323 and 506(1) of IPC in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is working as a teacher in a Government School, and her late husband, Kailamurthy, was an ex-serviceman. During the year 2021-22, the elder son of the defacto complainant applied for the NEET exam, wherein her husband's mobile number was mentioned in the application. In 2022, Accused No.1 contacted the husband of the defacto complainant, claiming to be a PRO at Dhanalakshmi Srinivasan College, Samayapuram, and assured them of securing a medical seat for their son. Believing her words, the defacto complainant agreed to pay a sum of Rs.25,00,000/- to Accused No.1. Subsequently, a sum of Rs.22,20,000/- was paid in cash to A1 and transferred to the bank accounts of the other accused persons on various dates. Meanwhile, the



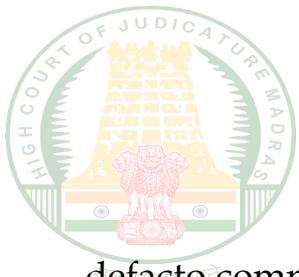
CRL OP (MD) No.3487 of 2025

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husband of the defacto complainant passed away on 30.08.2022. Later, the defacto complainant admitted her son to the college as per the instruction of Accused No.1 and remitted Rs.1,01,000/-, along with submitting all the original documents. However, the college authorities later insisted that she remit the remaining tuition fees. When the defacto complainant informed them that she had already paid the amount to Accused No.1, the college authorities stated that no such payment had been received. Upon realizing this, the defacto complainant contacted Accused No.1, who subsequently repaid only a sum of Rs.4,00,000/- to her. However, on 20.11.2023, when the defacto complainant visited the house of Accused No.1 to collect the remaining amount, Accused No.1 abused her in filthy language, physically assaulted her, and pushed her by holding her neck. Hence, the case.

4. Mr.A.Parthysarathy, learned counsel appearing for the petitioners, submits that the first and second petitioners are husband and wife and that they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioners have been in judicial custody since 18.02.2025. Hence, he prays to grant bail to the petitioners.

5. Per contra, Mr.R.Meenaksi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners have cheated the



CRL OP (MD) No.3487 of 2025

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defacto complainant and her son to the tune of Rs.22,20,000/- and that out of the said amount, they have repaid only a sum of Rs.4,00,000/-. However, the remaining amount of Rs.18,20,000/- has not yet been repaid by the accused persons. He further submits that if bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. It is stated that the petitioners are ready to produce the property document of the first petitioner's brother dated 23.01.2015. The petitioners were arrested and have been in judicial custody since 18.02.2025. On perusing the records, it reveals the fact that the petitioners have permanent residence, and hence, there is less possibility of absconding. Considering the above, and taking note of the fact that further custody of the petitioners is not necessary for the investigating agency and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned District Munsif cum Judicial



CRL OP (MD) No.3487 of 2025

Magistrate, Thiruvudaimaruthur;

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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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, shall obtain a copy of any one of identity proofs to ensure their identity;

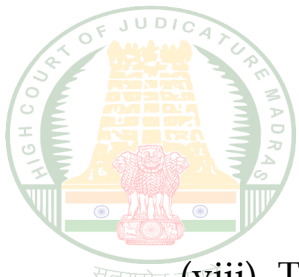
(iii) The brother of the first accused, viz., Sasivel shall appear before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur and hand over the original settlement deed bearing Document No.120/2015 S.R.O./sa.ba.aa Maharnonbusavadi, dated 23.01.2015 standing in the name of Sasivel as a security.

(iv) The petitioners shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur;

(v) The petitioners shall appear and sign before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur on all working days at 10:30 a.m., until further orders;

(vi) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;



CRL OP (MD) No.3487 of 2025

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(viii) 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(ix) The petitioners shall not directly or indirectly cause any threat to the defacto complainant or her son either directly or through their men and agents;

(x) The petitioners shall not enter into the residence of the defacto complainant and her workplace; and

(xi) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur 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].

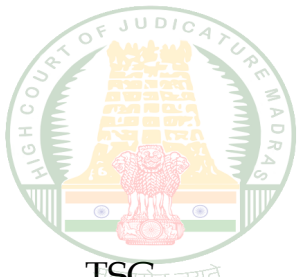
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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02/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP (MD) No.3487 of 2025

TSG
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- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT
AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN AT TRICHY.
- 4 THE OFFICER INCHARGE, PRISON BORSTAL SCHOOL AND DISTRICT JAIL
AT PUDUKKOTTAI.
- 5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.3487 of 2025

Date :01/04/2025

NBF/SAR/ (02/04/2025) 7P/7C

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