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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.3526 of 2025

V.Baskar

... Petitioner/ Accused No.9

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
Crime No.51 of 2025

... Respondent/Complainant

For Petitioner : Mrs.B.Bhuvaneshvari

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.51 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 petitioner on 21.02.2025 under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.



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2. The petitioner / accused was arrested and remanded to judicial custody on 24.01.2025 for the alleged offences punishable under Sections 61(2), 318(4) and 204 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.51 of 2025 on the file of the respondent-police.

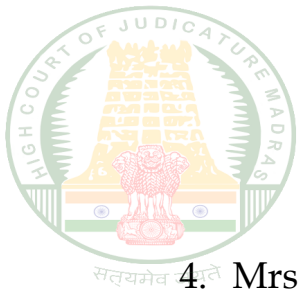
3. The case of the prosecution is that the defacto complainant is running limestone quarry at Tirunelveli and he was in need of money to purchase machinery. The defacto complainant approached one broker viz. Dinesh at Thatchanallur, who in turn, introduced the defacto complainant to one Rithish (A6). A6 promised the defacto complainant that he would arrange for a loan of Rs.4,80,00,000/- at low interest and accordingly, the defacto complainant has sent the copy of documents of his agricultural lands. A6 asked 3% commission for the above said arrangement, which was also agreed by the defacto complainant. Accordingly, on 23.01.2025 at 10.00 a.m., A6 asked the defacto complainant to come to Amica Hotel at Mandela Nagar, Madurai along with commission amount of Rs.14,40,000/-. The defacto complainant along with two persons viz. Nallasiva and Madasamy, reached the said hotel, where the defacto complainant was shown a car bearing Registration No.TN 47 AE 0999 parked at the hotel, in which 2 more persons were present. A6 showed two



bags stating that the bags contained currencies amounting to Rs.4.80 crores.

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Thereafter, immediately, A6 got the commission amount of Rs.14,40,000/- from the defacto complainant. When the defacto complainant asked for the loan amount, A6 informed him that he would come to Tirunelveli and pay the amount at the office of the defacto complainant itself. Nallasiva, who came with the defacto complainant, accompanied A6 and went in Innova Car. Madasamy and the defacto complainant have followed them in another car. After some time, the Innova Car turned towards Thoothukudi road instead of Tirunelveli road. The defacto complainant was informed that there is some problem at the toll gate and hence, they were going towards Thoothukudi Road. When both the cars reached Aruppukottai, three persons came out from a Bolero car, which was parked on the road side. One of them was in Police uniform. They inspected the cars and demanded the money which was kept in Innova Car. Two of them boarded in Innova Car and fled the place after leaving Nallasiva. The person, who was in police uniform got into Bolero car and left the place. The defacto complainant picked up Nallasiva and followed Bolero Car. While he contacted A6 and informed the above said occurrence, A6 asked the defacto complainant to come back to Amica Hotel and not to follow Bolero Car. At that time only, the defacto complainant suspected the situation and realised that he was jointly cheated by the accused persons and lodged the complaint. Hence, the case.



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4. Mrs.B.Bhuvaneshvari, the learned counsel appearing for the petitioner submits that the petitioner is only an acting driver and he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 24.01.2025. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that out of Rs.14,40,000/-, A6 (Rithish) transferred a sum of Rs.70,000/- to his wife's bank account. The balance amount of Rs.13,70,000/- was recovered from A6. The petitioner is A9. The petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. The petitioner was arrested on 24.01.2025 and is in judicial custody. Considering the overt act of the petitioner and considering the fact that the petitioner is an acting Driver and also considering the fact that the petitioner has no previous case and taking note of the period of incarceration and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five



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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.VI, Madurai;

(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.VI, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(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 or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number;

(vii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(viii) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate, No.VI, Madurai 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 of Kerala [(2005) 13 SCC 283].

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

sd/-
27/02/2025

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27/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

<https://www.hmc.tn.gov.in/judis>



+1 CC to M/s.A.GANESAN, Advocate (SR-2187[I] dated 27/02/2025)

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ORDER

IN

CRL OP(MD) No.3526 of 2025

Date :27/02/2025

NBF/SAR/ (27/02/2025) 7P/7C

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