



CRL.OP(MD). No.3472 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3472 of 2025

R.Vimalan

... Petitioner / Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
S.S.Colony Police Station,
Madurai District.
(Crime No.73 of 2025)

... 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.73 of 2025 on the file of the respondent police.

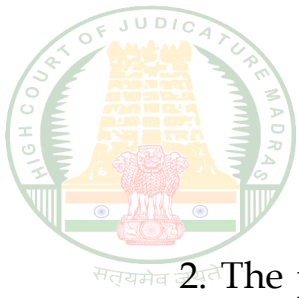
For Petitioner : Mr.M.Dinesh Hari Sudarsan,
Advocate

For Respondent : Mr.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

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.

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



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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 336(3) and 351(2) of BNS, 2023, in Crime No.73 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner was employed under the institution of the defacto complainant. Upon receiving a new offer letter from another institution, the petitioner submitted a resignation letter on 23.11.2024. Subsequently, the defacto complainant amended the notice period policy from 30 days to 60 days, requiring the petitioner to serve until the end of the revised period and requested to get the experience certificate on 24.11.2024. Meanwhile, on 25.12.2024, the defacto complainant received an email from Courtyard by Marriott, Madurai, seeking the petitioner's experience details which included a fake experience certificate as if the defacto complainant has given to the petitioner. It was then came to know that the petitioner had already submitted an experience certificate purportedly signed by the defacto complainant. When the same was questioned by the defacto complainant, the petitioner threatened him with dire consequences. Hence, the case.

4. Mr.M.Dinesh Hari Sudarsan, 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 a false case has been foisted



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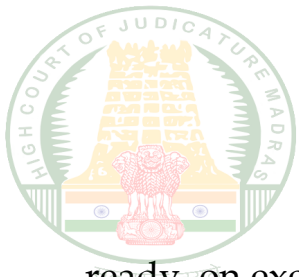
against the petitioner. He further submits that due to vengeance of the petitioner resigning from the job at the defacto complainant's hotel, the defacto complainant has lodged a false complaint against the petitioner. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are no previous cases against the petitioner. He, however, prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and considering the facts and circumstances of the case, the nature of the offence alleged against the petitioner and taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner 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.V, Madurai, within a period of 15 days from date on which the order copy is made



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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.V, 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 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 weekly once i.e., on every Monday at 10.00 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 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.



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(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 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/-
25/02/2025

/ TRUE COPY /

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

TO
1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.



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2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
S.S. COLONY POLICE STATION, MADURAI.

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

+1 CC to M/s.S.SIMIYON VERGIL, Advocate (SR-2101[I] dated 25/02/2025)

ORDER

IN

CRL OP(MD) No.3472 of 2025

Date :25/02/2025

pal

MK/SKN/SAR /06.03.2025 6P/6C

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