



CRL OP(MD). No.3662 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

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1. Suresh
2. Mariya

... Petitioners/ Accused Nos.1 &2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
K.Pudur Police Station,
Madurai City,
Madurai.
(*)Crime No.554 of 2023.

...Respondent/ Complainant

For Petitioner : Mr. S. Sukumar
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.554 of 2023 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 24.02.2025



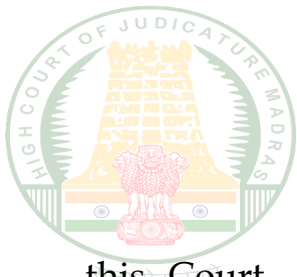
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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent - police for the offences punishable under Sections 406 and 420 of IPC in (*)Crime No.554 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is in the real estate business. In order to sell 30 cents of lands in R.S.No.51/2C, Old R.S.No.51/2 in Valndiyur Vilage 1 - Bit, Theppakulam Sub Division, Madurai, the petitioners approached the defacto complainant and shown a registered sale agreement, dated 19.08.2020 which was entered between the 1st petitioner and one Pandi, Krishnan and Maharajan. On verification of documents, the defacto complainant paid a sum of Rs.4,00,000/- to the petitioners on various dates. However, the petitioners cannot come forward to complete the sale agreement. When the defacto complainant questioned the same, the petitioners herein attacked the defacto complainant and also abused him in filthy language. Hence, the case.

4. Mr.S.Sukumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by



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this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that no one sustained injury in the said occurrence. However, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners, and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that there are no previous cases against the petitioners, and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.VI, 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



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only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees
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Twenty Five Thousand only) to the satisfaction of the said Magistrate.

(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.

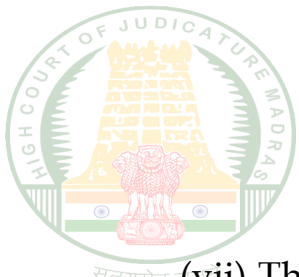
(iii) The first petitioner shall appear and sign before the respondent-police daily at 10.00 am until further orders. The 2nd petitioner shall appear before the Judicial Magistrate No.VI, Madurai weekly twice i.e., on every Monday and Friday at 10.30 am until further orders.

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

(v) 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 him from disclosing such facts to the Court or to any police officer.

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

(vi) The petitioners shall not leave India without the previous permission of the Court.



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(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

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

(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 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/-
28/02/2025

(*) Corrected as per the order of this Honorable Court dated 19.03.2025 in CRL OP(MD) 3662 of 2025.

Further the time for executing the sureties is extended for a period two weeks from the date of receipt of a copy of this order.

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



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TRP
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 28/03/2025 ALREADY
DESPATCHED.

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

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

3 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY, MADURAI.

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

+1 CC to M/s.S.SUKUMAR, Advocate (SR-2314[I] dated 03/03/2025)

ORDER
IN

CRL OP(MD) No.3662 of 2025

Date :28/02/2025

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

NBF/VR/SAR/25/03/2025 6P/6C

PR/SAR/30/04/2025 6P/6C

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