



CRL.OP(MD). No.3732 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3732 of 2025

Krishnamoorthy

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No.330 of 2024)

... 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.330 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Iniyavan,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



CRL.OP(MD). No.3732 of 2025

to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 416 and 420 of IPC, in Crime No.330 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 03.10.2024, the defacto complainant lodged a complaint with the respondent-police, alleging that Accused No.4 falsely claimed to have contacts with Accused No.1, alleged DRO in Tirunelveli, and promised to help transfer the patta for his 2-Acre ancestral land. Trusting them, the defacto complainant transferred a sum of Rs.1,50,000/- to Accused No.1's account and gave another sum of Rs.1,50,000/- in cash through his friend. Over time, he paid a total sum of Rs.7,00,000/- to the accused persons. However, they took no steps to transfer the patta and impersonated A1 as a DRO to deceive him. Hence, the case.

4. Mr.M.Iniyavan, 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 the petitioner has been falsely implicated in this case. He however 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.R.Meenakshi Sundaram, the learned Additional Public



CRL.OP(MD). No.3732 of 2025

WEB COPY

Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A2 in this case. He further submits that there are no previous cases against the petitioner. He however submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. He therefore 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 also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) 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.IV, Tirunelveli, 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 learned Judicial Magistrate



CRL.OP(MD). No.3732 of 2025

No.IV, Tirunelveli.

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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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.330 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate No.IV, Tirunelveli, within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.330 of 2024. The learned Judicial Magistrate or Trial Court shall pass orders qua entitlement of the said amount in its final order / Judgment.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. 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



CRL.OP(MD). No.3732 of 2025

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.

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(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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

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

(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 of Kerala [(2005) 13 SCC 283].



CRL.OP(MD). No.3732 of 2025

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

sd/-
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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE JUDICIAL MAGISTRATE IV
TIRUNELVELI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.INIYAVAN, Advocate (SR-3072[I] dated 19/03/2025)



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CRL.OP(MD). No.3732 of 2025

ORDER

IN

CRL OP(MD) No.3732 of 2025

Date :17/03/2025

HPS/SAR / 01.04.2025/7P/6C

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