



CRL.OP(MD).No.3769 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.3769 of 2025

Malairaj

... Petitioner / Accused No.4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Pandhalgudi Police Station,
Virudhunagar District.
(Crime No.127 of 2024)

... Respondent / Complainant

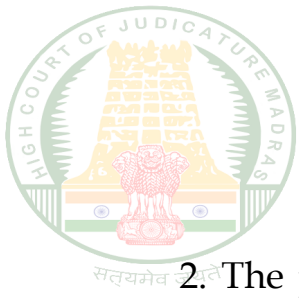
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.127 of 2024 on the file of the respondent-police.

For Petitioner : Mr.V.Palpandi,
Advocate.

For Respondent : Mr.R.Meenaksi 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 to grant an order of pre-arrest bail.



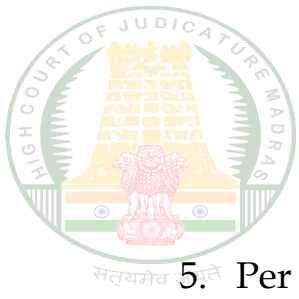
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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 420, 465, 468, 471, 120B and 34 of IPC, in Crime No.127 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the owner of the property measuring an extent of 1.4 Acres. The allegation is that the accused persons had sold the property including the share belonging to the defacto complainant by impersonating the defacto complainant. There are totally 7 accused persons in this case and the petitioner has been arrayed as A4. The allegation against the petitioner is that he acted as a witness in the sale deed dated 04.04.2022, allegedly executed by Rajendhiran in favour of Lingadurai, registered as Document No. 2223 of 2022. Hence, the case.

4. Mr.V.Palpandi, 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 further submits that there are no previous cases against the petitioner. He further submits that A6 and A7 were already released on pre-arrest bail by this Court on 23.01.2025 in CrI.O.P(MD).No.792 of 2025. He however submits that the petitioner is ready to abide by any conditions imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.



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5. Per contra, Mr.R.Meenaksi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally seven accused persons in this case and the petitioner has been arrayed as A4. He further submits that there are no previous cases against the petitioner. However, he contends that if pre-arrest bail is granted to the petitioner, he may abscond and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, and the nature of the offence allegedly committed by 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, Aruppukottai, 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.10,000/- (Rupees Ten Thousand only) along with



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two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Aruppukottai.

(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 twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

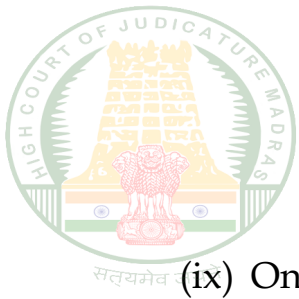
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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 also 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.

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



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(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/-
18/03/2025

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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
ARUPPUKOTTAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
PANTHALGUDI POLICE STATION,
VIRUDHUNAGAR.



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

+1 CC to M/s.V.PALPANDI, Advocate (SR-3069[I] dated 19/03/2025)

ORDER
IN

CRL OP(MD) No.3769 of 2025

Date :18/03/2025

HPS/SAR / 02.04.2025/6P/6C

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