



CRL OP(MD). No.3877 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3877 of 2025

Sasikumar,

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thuvakkudi Police Station,
Trichy District.
Crime No. 77/2022..

... Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
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. 77 of 2022 on the file of the Respondent-Police.



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ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 26.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 420 and 506(i) of IPC in Crime No.77 of 2022 on the file of the respondent-Police.

3. The case of the prosecution is that the petitioner/A1 and other accused has received a sum of Rs.9,23,000/- from the defacto complainant and his friends for getting job at Croatia. Thereafter, on 09.12.2021, the petitioner sent the defacto complainant and others from Mumbai to Dubai and at Dubai, the Passport authority stated that the visa are the forged one and all are sent back to Mumbai, for which, the defacto complainant questioned the same to the petitioner, at that time, the petitioner threatened the defacto complainant and criminally intimidated him. However, till date, the petitioner has not returned the money to the defacto complainant or his friends. Hence, the case.



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4. Mr.D.S.Haroon Rasheed, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that as per FIR, totally the petitioner has to pay Rs.9,23,000/-. Out of which, A2, who is the wife of the petitioner, had already paid a sum of Rs.4,65,000/- to the victims and the balance amount of Rs.4,58,000/- to be paid. He further submits that the petitioner incurred travelling expenses to the defacto complainant and others and hence, without prejudice to the petitioner's contentions, the petitioner is ready and willing to deposit a sum of Rs.2,50,000/- to the credit of Crime No.77 of 2022 before the concerned Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned counsel appearing for the respondent-Police, submits that the petitioner has received a sum of Rs.9,23,000/- from various persons and cheated them. If petitioner released on pre-arrest bail, he will commit similar offence and also threatened the defacto complainant. Accordingly, he prays to dismiss this petition.

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



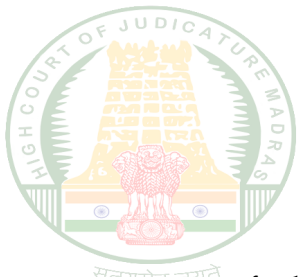
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7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the fact that though the FIR was registered in the year 2022, the respondent-Police has not taken any steps to secure the petitioner till now, and taking into account of the undertaking given by the petitioner that he will deposit a sum of Rs.2,50,000/- to the credit of Crime No.77 of 2022 before the concerned Court, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail 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 VI, Trichy, 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 two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate VI, Trichy,;

(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 VI, Trichy, shall obtain a copy of



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any one of identity proofs to ensure their identity;

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(iii) The petitioner shall appear and sign before the respondent-police weekly once (i.e., on Sunday) at 10.00 a.m., until further orders;

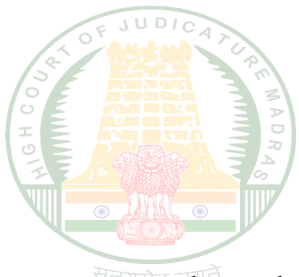
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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 leave India without the previous permission of the Court;

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

(viii) The petitioner shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) to the credit of Crime No.77 of 2022 on the file of the respondent-police, before the learned Judicial Magistrate VI, Trichy, within a period of three weeks from today. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is



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passed in the case in Crime No.77 of 2022. The learned Judicial Magistrate/Trial Court shall pass orders *qua* entitlement of the said amount in its final order/judgment;

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate VI, Trichy,, and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate VI, Trichy, 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/-

16/04/2025

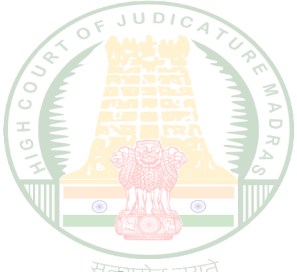
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/05/2025

Sub-Assistant Registrar
(C.S.I /II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg



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- 1.The Judicial Magistrate VI, Trichy,
- 2 Do through the Chief Judicial Magistrate, Trichy.
- 3.The Inspector of Police,
Thuvakkudi Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3877 of 2025
Date :16/04/2025

RK(13/05/2025) 7P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.