



CRL.OP(MD). No.4047 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

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Binu

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Crime No.111 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.111 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Althaf Sheriff,
Advocate
for M/s.Ajmal Associates

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.02.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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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 420, 294(b) and 506(1) of Indian Penal Code, 1860, in Crime No.111 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that defacto complainant has filed a complaint against the petitioner (A2) and another person, alleging that the petitioner is his fellow villager. He further claims that the petitioner informed him that his friend (A1), had influence over government officials and could secure a job for the defacto complainant's son in the Central Railway Department. Allegedly, the petitioner conveyed to the defacto complainant that a sum of Rs.12,00,000/- had to be paid to A1 for this purpose. Believing this representation, the defacto complainant transferred Rs.6,00,000/- to A1 via bank transaction, while the remaining Rs.6,00,000/- was allegedly handed over by the petitioner to A1 at the defacto complainant's request. Additionally, the defacto complainant claims to have paid interest to the petitioner from September 2021 to July 2022. The defacto complainant further alleges that since A1 failed to secure the promised government job for his son, he demanded a refund of the amount paid. Consequently, A1 agreed to repay Rs.7,00,000/- on 20.01.2022 and Rs.5,00,000/- on 30.03.2022, executing a promissory note in favour of the defacto complainant's son. Furthermore, it is alleged that when



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the defacto complainant questioned the petitioner regarding the matter, the petitioner abused the defacto complainant in filthy language. Hence, the case.

4. Mr.K.Althaf Sheriff, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a money dispute between the parties. He further submits that there are no previous cases against the petitioner. He further submits that the petitioner along with other accused persons cheated the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioner, she 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 considering the fact that the petitioner is a first offender and taking into account of the fact that the



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petitioner is ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand Rupees) and with a view to give an opportunity to the petitioner to reform herself, 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 her arrest or in the event of her surrender before the learned Judicial Magistrate No.I, Kuzhithurai, 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 No.I, Kuzhithurai.

(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.1,50,000/- (Rupees One Lakh and Fifty Thousand Rupees) to the credit of the Crime No.111 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate No.I, Kuzhithurai, within a period of three weeks from the date on which the order copy is made ready. In turn,



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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.111 of 2024. The learned Judicial Magistrate or Trial Court shall pass orders quo entitlement of the said amount in its final order or 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 herself available for interrogation by a police officer as and when required.

(vi) 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.

(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 her residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders
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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 NO. I
KUZHITHURAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT @ NAGERCOIL.

3 THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.4047 of 2025
Date :18/03/2025

HPS/SAR / 04.04.2025/7P/6C

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