



CRL OP (MD) No.4033 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4033 of 2025

Sakthi Ganesh

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
CCB, Madurai.  
Crime No. 2 of 2025

... Respondent/Complainant

Murugan

... Petitioner/Intervener/Defacto Complainant  
In CrI.MP(MD).3286/2025 in CrI.OP(MD).4033/2025

For Petitioner : Mr.Nagul Samy,  
Advocate.

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

For Intervener : Mr.Kalidos  
Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No. 2 of 2025 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 28.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A3 was arrested and remanded to judicial custody on 30.01.2025 for the offences punishable under Sections 61(2), 296, 318(4) and 351(2) of Bharatiya Nyaya Sanhita, 2023, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant approached A1 through A2 regarding the purchase of a house property. A1 showed a house at Vellakovil, and the sale price was fixed at Rs.1,00,00,000/-. As instructed by A1, the defacto complainant sent amounts to various accounts both then and there, and in total, he sent Rs.1,00,95,500/-. Even after receiving the amount, since the execution of the sale deed was delayed for a long time, on 20.12.2024, the defacto complainant went to A1's house and insisted to register the sale deed. At that point, the family members of A1 abused the defacto complainant in filthy language and criminally intimidated him. As per A1's instructions, the defacto complainant sent money to A2 also, who in turn transferred a sum of Rs.7,68,400/- to the account of the petitioner/A3 on various dates, from 11.06.2023 to 07.02.2024. Hence, the complaint.



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4. Mr.Nagul Samy, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He further submits that he is ready to abide by any conditions that may be imposed by this Court, and to show his bona fide, he is ready and willing to deposit a sum of Rs.5,00,000/-. He further submits that the petitioner has been in incarceration since 30.01.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.G.Kalidas, the learned counsel for the intervener, submits that if the petitioner is enlarged on bail, he will cause threat to life of the defacto complainant and his family members. Hence, he opposes to grant pre-arrest bail to the petitioners.

6. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the petitioner is none other than the son of A1, and the amount involved in this crime is very large. He further submits that if the petitioner is released on bail, he may abscond and tamper the witnesses. herefore, he vehemently opposes to grant bail to the petitioner.

7. Heard on both sides. This Court has perused the records including the First Information Report.

8. The petitioner has permanent residence and deep roots in the society.



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Therefore, there is less possibility of absconding. Considering the same, and also considering the fact that the petitioner has been in judicial custody since 30.01.2025, and taking note of the fact that the petitioner is ready and willing to deposit a sum of Rs.5,00,000/-, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for 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, Madurai.

(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 No.I, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.2 of 2025 before the learned Magistrate No.I, Madurai, without prejudice to his rights and contentions before the Trial Court, and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties. Upon such deposit, the concerned Magistrate shall place the said



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amount in a fixed deposit scheme in any one of the Nationalized Banks for a period of one year, and thereafter, renew the same until the conclusion of the trial. The trial court shall pass an order with regard to the deposit to be made by the petitioner in the final order/judgment;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;

(v) The petitioner shall report before the learned Judicial Magistrate No.I, Madurai, on all working days, at 10.30 am until further orders;

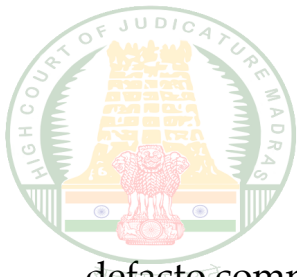
(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) 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 or tamper with the evidence;

(ix) The petitioner should not enter into the defacto complainant's residence and his work place until further orders;

(x) The petitioner shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses; and

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(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Madurai, 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].

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

sd/-  
14/03/2025

/ TRUE COPY /

14/03/2025  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP  
TO  
1 THE JUDICIAL MAGISTRATE NO.I,  
MADURAI.  
  
2 DO THROUGH THE CHIEF JUDICIAL  
MAGISTRATE, MADURAI DISTRICT.  
  
3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.  
  
4 THE INSPECTOR OF POLICE,  
CCB, MADURAI.



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

ORDER  
IN  
CRL OP(MD) No.4033 of 2025  
Date :14/03/2025

SA/SAR. /14.03.2025/7P/6C

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