

CRL.OP(MD).No.4039 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 23.04.2025

Pronounced on : 08.05.2025

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4039 of 2025

1.M.Dhilip Kumar

2.P.Chitra

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.64 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge petitioners on pre-arrest
bail in the event of their arrest or surrender in connection with the Crime No.64 of
2025 on the file of the respondent-police.

For Petitioners : Mr.R.Anand,
Advocate.

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

ORDER

This Criminal Original Petition has been filed by the petitioners on 28.02.2025

<https://www.mhc.tn.gov.in/judis>



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 337, 318, and 61(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.64 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant / Taluk Supply Officer, during an inspection at a shop licensed to the petitioner as an E-Seva Centre, found duplicate family cards belonging to members of the general public. Upon enquiry, he came to know that the employees appointed by the second petitioner, based on the needs of the customers, were engaged in making corrections to their family cards. For this purpose, they reportedly scanned the original family cards, made the necessary corrections using the computer system, and subsequently printed and handed over the altered family cards to the customers. According to the said officer, the acts committed by the employees of the second petitioner constitute an offence of forging and a clear violation of the rules and regulations prescribed by the Government. Consequently, he lodged a formal complaint. Hence, the case.

4. Mr.R.Anand, the learned counsel for the petitioners, submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution; a false case has been foisted against the petitioners. He further



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submitted that the entire presumption of the defacto complainant is misconceived, and in fact, none of the allegations made by him have taken place, particularly the allegation with respect to the functioning of the e-Seva Centre in violation of the rules and regulations. The centre has been established exclusively to cater to the needs of the public who seek assistance in making corrections to their personal identification cards issued by various Government departments, such as name or other particulars. In the shop operated by the second petitioner, such services were carried out only by the employees based on customer request. There was no violation of rules and regulations. However, during the inspection, the said officer appears to have wrongly assumed that the employees were themselves effecting changes in the particulars of identity records, without directly interacting with or verifying the involvement of the respective customers. Acting on this erroneous assumption, he formed an incorrect opinion and proceeded to lodge a complaint. He, further, submitted that the petitioners have not committed any offence alleged, however, they are ready to abide by any conditions to be imposed by this Court. He therefore prayed for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submitted that investigation has not yet been completed in this case. He further submitted that the accused persons



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had scanned the original identity cards, made the necessary corrections using a WEB COPY computer system, and subsequently printed and handed over the altered documents to the customers. According to the said officer, the acts committed by the employees of the second petitioner constitute an offence of forgery and a clear violation of the rules and regulations prescribed by the Government. He further contended that, if an order of pre-arrest bail is granted to the petitioners, they will tamper the evidence. Hence, custodial interrogation of the petitioners is necessary to know the modus of crime in this case. Further, custody of the computer system and the printer used by the petitioners are necessary to unearth the truth. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. Perused the records.

7. Perusal of the records reveal that the e-Seva license holders do not possess the authority to print family cards. Prima facie, there appears to be no element of forgery involved in the process. However, the act of the petitioners may amount to violation of the terms and conditions of the e-Seva licence. To be noted, the aforesaid observation is recorded only for the limited purpose of deciding this bail application alone and it will not, in any way, cause prejudice or affect the case of the prosecution to establish its case during trial. In fact, if the defacto complainant is of the view that the petitioners have misused the licence, the defacto complainant is



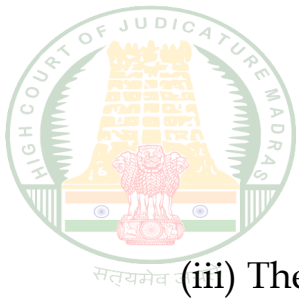
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well within his rights to initiate proceedings for cancellation of the said licence. In the facts and circumstances of this case, this Court is of the view that the custodial interrogation of the petitioners is not necessary. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same as well as the gravity of the offences alleged against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, within a period of 15 days from date on which the order copy is made ready, upon executing a bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

(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.



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(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders and co-operate with the investigation.

(iv) The petitioners shall surrender their computer system, colour printer, and all other electronic gadgets for the purpose of investigation, if the same have not already been surrendered.

(v) The petitioners shall make themselves available for interrogation by police as and when required.

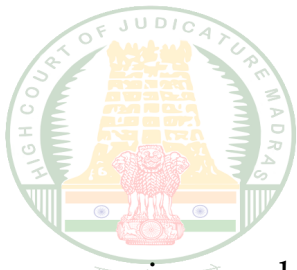
(vi) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him / her from disclosing such facts to the Court or to any police officer.

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

(viii) The petitioners shall not leave India without prior permission of the concerned Jurisdictional Magistrate Court.

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

(x) 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 petitioners in accordance with law as if the aforementioned conditions



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are imposed by him / her as laid down by the Hon'ble Supreme Court in P.K. Shaji
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vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
08/05/2025

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4039 of 2025
Date :08/05/2025



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