



CRL.OP(MD). No.4213 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4213 of 2025

1.Murugadoss
2.Geetha
3.Kishore @ Subburam

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.7 of 2025)

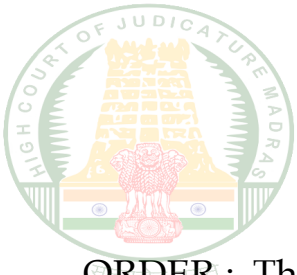
... Respondent / Complainant

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 petitioners in Crime No.7 of 2025 on the file of the respondent-police.

For Petitioners : Mr.S.Muthiah Poosari Amalan,
Advocate

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

For Intervener : Mr.K.Dinesh,
Advocate



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 04.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying 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 406, 420, 294(b) and 506(1) of IPC, in Crime No.7 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a fireworks dealer, while A1 operates a fireworks factory. The defacto complainant had a business relationship with A1. For the purchase of fireworks, the defacto complainant paid a sum of Rs.95,49,000/- in 2023. However, A1 supplied fireworks worth only a sum of Rs.40,00,000/- and failed to supply fire works for Rs.55,49,000/- On questioning the same, A1 has undertaken to supply fireworks worth about a sum of Rs.15,50,000/-. Subsequently, on 28.03.2023, A1 executed a promissory note for a sum of Rs.40,00,000/- in favour of the defacto complainant. Thereafter, A1 supplied fire works worth about Rs.11,50,000/-. Therefore, the due amount is Rs.44,00,000/-. A1 has repaid a sum of Rs.4,00,000/- in two installments.



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Thereafter, A1 closed the factory and failed to repay the amount of Rs.40,00,000/-.

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When the defacto complainant asked to repay the amount, the accused persons are said to have abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.

4. Mr.S.Muthiah Poosari Amalan, the learned counsel for the petitioners, submits that the petitioners are innocent persons that they have not committed any offence as alleged by the prosecution, and that a false case has been foisted against the petitioners. He further submits that no injury was caused to the defacto complainant. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays 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, submits that the petitioners have been arrayed as A1 to A3. He further submits that there was a business transaction between the first petitioner / A1 and the defacto complainant. He further submits that there are no previous cases against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto



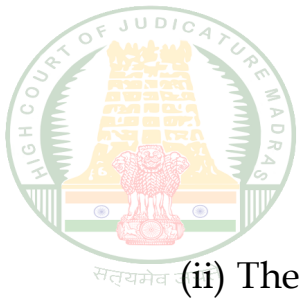
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complainant and tamper with the evidence and that custodial interrogation of the
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petitioners is necessary in this case to unearth the truth. Accordingly, he prays to
dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and considering the
overt act allegedly committed by the petitioners, and taking note of the fact that the
petitioners are first offenders and there was a business transaction between the first
petitioner/A1 and the defacto complainant and with a view to give an opportunity
to the petitioners to reform themselves, this 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 bail in the event of their arrest or in the
event of their surrender before the learned Judicial Magistrate No.I, Madurai, 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.20,000/- (Rupees Twenty Thousand only) each
along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty
Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Madurai.



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(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 petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Monday at 10.00 a.m. until further orders.

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

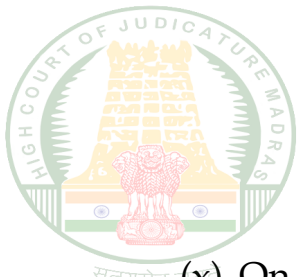
(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall not enter into the defacto complainant's house or his work place.

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



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(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 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/-
21/03/2025

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/04/2025

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

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TO

1. THE JUDICIAL MAGISTRATE,
NO.I, MADURAI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,MADURAI DISTRICT.



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

ORDER IN
CRL OP(MD) No.4213 of 2025
Date :21/03/2025

PR/29.04 .2025 7P/5C

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