



CRL.OP(MD). No.4245 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Anand

2.Santhi

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
Rajapalayam Police Station,
Virudhunagar District.
(Crime No.89 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.89 of 2025 on the file of the respondent-police.

For Petitioners : Mr.M.Murugan,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Government Pleader

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 05.03.2025 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 petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 316(2), 318(4) of BNS, 2023, in Crime No.89 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.10.2024, the petitioners met the de-facto complainant by chance and offered her a lift in their car. While travelling, the de-facto complainant shared her hardships with the petitioners, who then assured her that they could help her secure a job as a Sanitary Supervisor at Rajapalayam or Srivilliputtur. The petitioners subsequently demanded a sum of Rs. 4,00,000/- for arranging the job. Believing their assurances, the de-facto complainant gave Rs.15,000/- as cash and Rs.40,000/- from bank account. Additionally, they obtained another sum of Rs.2,00,000/- by pledging the de-facto complainant's gold ornaments. However, the petitioners failed to arrange any job, and hence, the de-facto complainant lodged a complaint with the respondent-police. Hence, the case.

4. Mr.M.Murugan, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioners. He further submits that there are no previous cases against the petitioners. He however submits that the petitioners are ready to abide by



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the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioners have been arrayed as A1 and A2. He further submits that the petitioners had promised to secure a job for the defacto complainant and had received money and subsequently cheated. He however submits that if this Court grants pre-arrest bail to the petitioners, they will commit similar type of offence and cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the nature of the offence allegedly committed by the petitioners, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary for the investigation agency in this case. Further, the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the fact that the petitioners are first offenders and also taking into account of the fact that the petitioners are ready to deposit a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) 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



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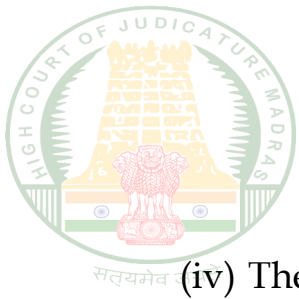
bail to the petitioners subject to the following conditions:

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(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 Court, Rajapalayam, 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) each 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 Court, Rajapalayam.

(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 deposit a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) (each Rs.62,500/-) to the credit of Crime No.89 of 2025, before the Judicial Magistrate Court, Rajapalayam. In turn, the Judicial Magistrate Court, Rajapalayam, is directed to deposit the same, in an interest-bearing Fixed Deposit, in any nationalized bank, initially for a period of one year, and renew them, till the conclusion of the case. The learned Judicial Magistrate or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.



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(iv) The petitioners shall appear and sign before the respondent-police daily at 09.00 a.m., until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer 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 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 defacto complainant and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not leave India without the previous permission of the 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 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].



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

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02/04/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate Court, Rajapalayam.
2. The Chief Judicial Magistrate, Rajapalayam.
- 3.The Sub-Inspector of Police,
Rajapalayam Police Station, Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

ORDER IN
CRL OP(MD) No.4245 of 2025
Date :02/04/2025

PP/SAR. /02.05.2025/6P/5C

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