



CRL.OP(MD).No.4803 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4803 of 2025

S.Arumugam

... Petitioner / Accused No.6

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Tenkasi District.
(Crime No.9 of 2024)

... Respondent / Complainant

S. Karthikeyan

... Intervening Petitioner/
Defacto Complainant
in CrI.M.P.(MD) 3778 OF 2025

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.9 of 2024 on the file of the respondent-police.

For Petitioner : Mr.I.Sabeermohamed,
Advocate.

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

For Intervener : Mr.B.Moorthikannan,
Advocate.



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ORDER : The Court made the following order :-

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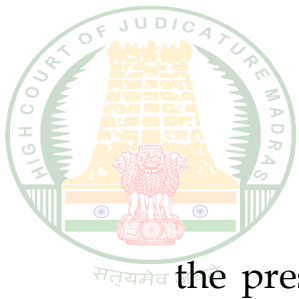
This Criminal Original Petition has been filed by the petitioner on 12.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 120(B), 406, 420 and 506(2) of Indian Penal Code, 1860, in Crime No.9 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that a sum of Rs.89,50,000/- was taken from the defacto complainant and he was cheated on the ground that he will be able to get double the money, if this money is given to the accused persons. There are totally 8 accused persons in this case and the petitioner has been arrayed as A6. Hence, the case.

4. This is the third petition filed by the petitioner before this Court. The earlier bail application in Crl.O.P(MD).No.19466 of 2024 was dismissed on 12.11.2024 on the ground that this Court does not find any ground to grant pre-arrest bail to the petitioner. The relevant portions are extracted hereunder:

“5. The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner was issued with summons to attend the enquiry and without attending the enquiry, the petitioner filed



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the present petition before this Court. He further submitted that out of Rs.89,50,000/- received from the defacto complainant, a sum of Rs.12,00,000/- has gone to the petitioner (A6) and a sum of Rs.77,50,000/- has gone to all the other accused persons. He further submitted that the investigation is pending and that there are 2 previous cases against the petitioner for similar offence.

6. The learned counsel for the defacto complainant submitted that the accused persons had induced the defacto complainant to give the money with the promise that he will be able to get the amount doubled. Considering the family circumstances, the defacto complainant had parted with the money. Thereafter, the defacto complainant realized that he has been cheated and he was pleading with the accused persons to get back the money which he has already paid.

7. In the considered view of this Court, the manner in which this incident had taken place and the fact that there are 2 previous cases against the petitioner, the same requires investigation and if so warranted even a custodial interrogation. The petitioner was already asked to attend for an enquiry and without attending the enquiry, the petitioner has chosen to file this petition before this Court. This Court does not find any



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ground to grant anticipatory bail to the petitioner.

8. In the result, this criminal original petition is dismissed.”

5. Mr.I.Sabeermohamed, the learned counsel for the petitioner, submits that the petitioner is innocent person and he 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 imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

6. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally 8 accused persons in this case and the petitioner has been arrayed as A6. He further submits that a sum of Rs.12,00,000/- has received by the petitioner (A6). He further submits that there are two previous cases against the petitioner which are similar in nature. He therefore contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

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



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there is less possibility of absconding. Considering the same and also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) and with a view to give an opportunity to the petitioner to reform himself, 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 his arrest or in the event of his surrender before the learned Judicial Magistrate No.I (FAC), Tirunelveli, 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) 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 No.I (FAC), Tirunelveli.

(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.6,00,000/- (Rupees Six Lakhs only) to the credit of the Crime No.9 of 2024 on the file of the respondent-police, before the



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learned Judicial Magistrate No.I (FAC), Tirunelveli, within a period of 50 days from today. In turn, 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.9 of 2024. The learned Judicial Magistrate or Trial Court shall pass orders qua entitlement of the said amount in its final order / Judgment.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Wednesday at 10.00 a.m. until further orders.

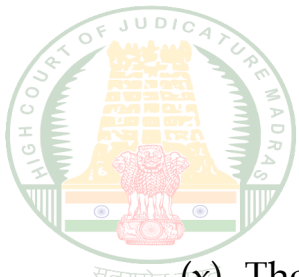
(v) The petitioner shall make himself available for interrogation by a police officer as and when required.

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



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सत्यमेव जयते (x) The petitioner shall not enter into the defacto complainant's house or his/her work place.

(xi) 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 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/-
20/03/2025

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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 (FAC),
TIRUNELVELI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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

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

+1 CC to M/s.I.SABEER MOHAMED, Advocate (SR-3324[I] dated 24/03/2025)

ORDER
IN
CRL OP(MD) No.4803 of 2025
Date :20/03/2025

HPS/SAR / 02.04.2025/8P/6C

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