



CRL.OP(MD).No.4326 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4326 of 2025

Vaigundaraja

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Valliyoor Town Police Station,
Tirunelveli District.
(Crime No.171 of 2025)

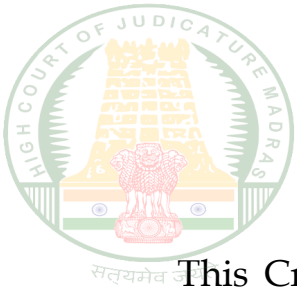
... Respondent / Complainant

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
petitioner in Crime No.171 of 2025 on the file of the respondent-police.

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-



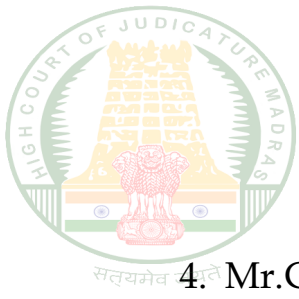
CRL.OP(MD).No.4326 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 05.03.2025 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 316(2), 318(4) and 351(3) of BNS, 2023, in Crime No.171 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is working as a General Manager in a showroom at Valliyoor. On 29.10.2024, the petitioner (A2), along with the first accused, visited the showroom to purchase a Royal Enfield bike. The defacto complainant provided a quotation and showed the bike. In turn, the first accused agreed to purchase the bike and made an initial payment of Rs.40,000/-. Additionally, the first accused submitted the required documents for processing a loan and took possession of the bike. Later, it was discovered that the documents submitted by the first accused were fraudulent. As far as the petitioner (A2) is concerned, he merely stood as a witness. Based on the above allegations, the present FIR was registered. Hence, the case.



CRL.OP(MD).No.4326 of 2025

WEB COPY

4. Mr.C.Susi Kumar, the learned counsel for the petitioner, submits that the petitioner is an 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 further submits that the vehicle has been recovered by the respondent-police. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that there are 6 previous cases against the petitioner. He therefore contends that if pre-arrest bail is granted to the petitioner, he may abscond 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.

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

7. The petitioner has permanent residence. Hence, there is less possibility of



CRL.OP(MD).No.4326 of 2025

WEB COPY

absconding. Considering the same, and also considering the facts and circumstances of the case, and the nature of the offence allegedly committed by the petitioner, and with a view to give one more 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, Valliyoor, 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, Valliyoor.

(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 appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



CRL.OP(MD).No.4326 of 2025

WEB COPY

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

(v) 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.

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

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

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) 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



CRL.OP(MD).No.4326 of 2025

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

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

sd/-
18/03/2025

/ TRUE COPY /

/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,
VALLIYOOR

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
VALLIYOOR TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-3183[I] dated 20/03/2025)



WEB COPY



CRL.OP(MD).No.4326 of 2025

ORDER
IN
CRL OP(MD) No.4326 of 2025
Date :18/03/2025

HPS/SAR / 02.04.2025/7P/6C

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