



CRL OP(MD). No.4390 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4390 of 2025

P.Thangaraj,
S/o. Paramasivam
38/26, Modilal Theru
Tirunelveli Junction Tirunelveli.

... Petitioner/ Accused Rank not known

Vs

1.The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Tirunelveli Town PS,
Tirunelveli City,
Tirunelveli District.
(Crime No.44 of 2025)

... Respondent No.1 / Complainant

2.S Ponraj,
S/o. Siva Subbu 65,
Paravatha Singaraja Theru
Tirunelveli Town Tirunelveli.

... Respondent No.2 / Defacto Complainant

For Petitioner : Aayiramk.Selvakumar,
Advocate.

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



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For R-1

: Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

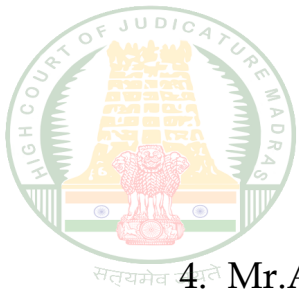
For Anticipatory Bail in Crime No. 44 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioner / Accused (rank not known) apprehends arrest at the hands of the first respondent-Police for the offences punishable under Sections 318(4) of BNS, 2023 in Crime No.44 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that the defacto complainant runs a wholesale rice business under the name and style of "Mani Store." The petitioner, along with other accused persons, ordered 145 bags of rice over the phone from the defacto complainant and on believing them, he subsequently sent the rice. However, the petitioner and the other accused persons have not paid the amount and cheated to the tune of Rs.1,51,650/-. Hence, the complaint.



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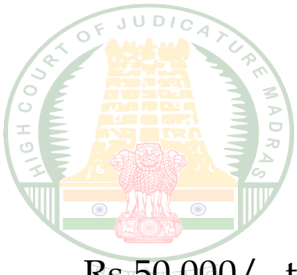
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4. Mr.Aayiram K.Selvakumar, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-operate with the investigation. He further submits that the name of the petitioner was not mentioned in the First Information Report. He however submits that the petitioner is willing to deposit a sum of Rs.50,000/- to the credit of Crime No.44 of 2025 before the concerned Court Therefore, he prays for granting pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the first respondent-Police, submits that the petitioner along with other accused persons have received 145 bags of rice from the defacto complainant and did not repay the amount of Rs.1,51,650/-. He further submits that if pre-arrest bail is granted to the petitioner, he will commit the similar offence once again and also he will threaten the defacto complainant and the witnesses. Hence, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and taking into account of the undertaking given by the petitioner that he will deposit a sum of



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Rs.50,000/- to the credit of Crime No.44 of 2025 before the concerned Court, hence, with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail 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 IV, Tirunelveli District 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 IV, Tirunelveli 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 IV, Tirunelveli District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the first respondent-police weekly twice (i.e., on Monday and Friday) at 10.00 a.m., until further orders;

(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



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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;

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(vi) The petitioner shall not leave India without the previous permission of the Court;

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate IV, Tirunelveli District;

(ix) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No.44 of 2025 on the file of the first respondent-police, before the learned Judicial Magistrate IV, Tirunelveli. In turn, the learned Judicial Magistrate shall deposit the said amount in a 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.44 of 2025; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate IV, Tirunelveli District 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].



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

sd/-
14/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg
TO

- 1 THE JUDICIAL MAGISTRATE IV,
TIRUNELVELI.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN PS,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4390 of 2025
Date :14/03/2025

HPS/SAR / 25.03.2025/6P/5C

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