

CRL OP(MD). No.4634 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Pandiyaraja,
S/o.Saminathan,
Door No.192,
Koduvilarpatti Main Road,
Aranmanaiputhur,
Theni.

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch,
Theni District.

Crime No.09 of 2025

... Respondent/ Complainant

For Petitioner : Mr.Gowtham.V,

Advocate

For Respondent : Mr.R.Meenakshi Sundaram,

Additional Public Prosecutor

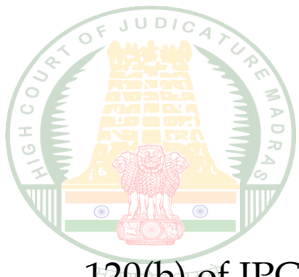
PRAYER :-

For Anticipatory Bail in Crime no.09 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 10.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioner / Accused No.2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 417, 420, 468, 471 and



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120(b) of IPC in Crime No.9 of 2025, on the file of the respondent-police.

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3. The case of the prosecution is that the petitioner along with another accused person had cheated the defacto complainant and others for a sum of Rs.26,48,500/- in the name of securing a Government job and also securing jobs in abroad. Hence, the case.

4. Mr.V.Gowtham, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the respondent-Police without conducting proper enquiry, falsely registered a case against the petitioner. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate, Theni. 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 respondent-police, submits that a sum of Rs.26,48,500/- has been received by the petitioner and the another accused person from the victims under the pretext of securing jobs in abroad and in Government employment. He further submits that the investigation has not yet been completed.



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He further submits that if pre-arrest bail is granted to the petitioner, he may abscond and thereby cause a delay in the investigation proceedings. Hence, he strongly opposes to grant pre-arrest bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned Judicial Magistrate, Theni, 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, however, subject to 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, Theni, 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, Theni;

(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



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Practice, 2019']. The learned Judicial Magistrate, Theni, shall obtain a copy of any
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one of identity proofs to ensure their identity;

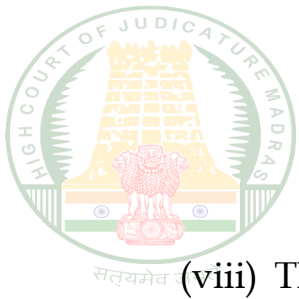
(iii) The petitioner shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) at 10.00 a.m., until further orders;

(iv) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.09 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Theni. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing fixed deposit 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.09 of 2025. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the said amount in its final order / judgment.

(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 not leave India without the previous permission of the Court;



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

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Theni; and

(x) The petitioner or his men shall not enter into the house of the defacto complainant or his 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].

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

sd/-
01/04/2025

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/05/2025

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, THENI.

2.THE CHIEF JUDICIAL MAGISTRATE, THENI.

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

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

ORDER

IN

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Date :01/04/2025

PR/16.05 .2025 6P/5C

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