



CRL OP (MD) No.4732 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4732 of 2025

Ganesan,
S/o.Kanthaiah,
No.A2, Alive Castle Apartment,
Vasantha Nagar, Airport,
Trichy District.

... Petitioner/A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
City Crime Branch,
Trichy.
Crime No.46/2019

... Respondent/Complainant

For Petitioner : Mr.M.Suresh,
Advocate

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



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

To enlarge the petitioner on bail in his arrest in connection with C.C.No.136 of 2025 on the file of the learned Judicial Magistrate No.I, Trichy.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 23.11.2024. The petitioner is facing trial in C.C No.136 of 2025 on the file of the learned Judicial Magistrate No.I, Trichy, for the offences punishable under Sections 406, 420, 468, 471, 465 and 109 of IPC and Section 24 of Emigration Act, 1983 in connection with Crime No.46 of 2019 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who runs a tailoring shop, became acquainted with one A2. A2 informed the defacto complainant that the petitioner/A1 was a travel agent, who was arranging overseas employment for others and requested her to refer any deserving candidates. Therefore, the defacto



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complainant introduced one Manoj to the petitioner. The petitioner obtained Manoj's passport and demanded a sum of Rs.2,00,000/-. Consequently, on 17.12.2018, the complainant and Manoj paid a sum of Rs.1,20,000/- to the petitioner and later, transferred the remaining amount through a bank account. Additionally, the defacto complainant's husband, Sivakumar, introduced several other persons to the petitioner, who assured them of overseas opportunities and also obtained the Aadhar Cards and passport of them. In total, the petitioner allegedly received a sum of Rs.34,80,000/- from various individuals, but, failed to keep his promise. The petitioner did not return the amount and passport and Aadhar Cards while asking the passport and Aadhar Cards, the petitioner demanded further amount. Hence, the case. Hence, the complaint.

4. Mr.M.Suresh, 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 Accused No.2 was already granted bail by the concerned Judicial Magistrate Court in Crl.M.P.No.7153 of 2019 *vide* order dated 19.11.2019. He further submits that he is ready to abide by any stringent conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 23.11.2024. Accordingly, he prays for granting bail to the petitioner.



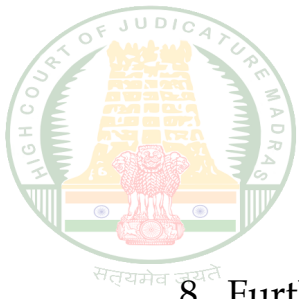
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5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation has been completed and the charge sheet has been filed before the learned Judicial Magistrate No.I, Trichy and the same was taken on file in C.C.No.136 of 2025. He further submits that there are totally two accused persons in this case, and the petitioner has been arrayed as Accused No.1. He further submits that if bail is granted to the petitioner, he may abscond and delay the trial proceedings. Hence, he opposes to grant bail to the petitioner.

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

7. It is seen that this is the second bail application of the petitioner. The earlier bail application filed by the petitioner was dismissed by this Court on 13.02.2025 in Crl.O.P.(MD).No.1457 of 2025 considering the previous antecedents of the petitioner and the fact that the investigation was pending. Now, since the investigation has been completed and charge sheet has been filed before the concerned Court in C.C.No.136 of 2025, further custody of the petitioner is not necessary for the investigating agency.



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8. Further, the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same, and also considering the change of circumstances, and taking note of the period of incarceration suffered by the petitioner, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Trichy;

(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 No.I, Trichy, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;



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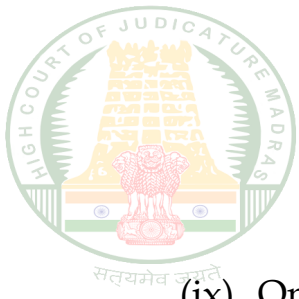
(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(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 or tamper with the evidence;

(vi) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses, and shall also not try to contact the defacto complainant either directly or through any electronic mode;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Trichy;

(viii) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Trichy, on all working days at 10.30 a.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.I, Trichy, 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/-

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19/03/2025

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I
TRICHY

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY.

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

ORDER
IN
CRL OP(MD) No.4732 of 2025
Date :18/03/2025

SS/SAR- /19/03/2025/ 8P/6C

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