



CRL OP(MD). No.4596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2025

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.4596 of 2025

1. M. Sivakumar
2. S.Harikrishnan

... Petitioners/ Accused Nos.14 & 15

Vs

The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No.51 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.Suresh, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor
For Intervener : Mr.Suresh Manikkam, Advocate

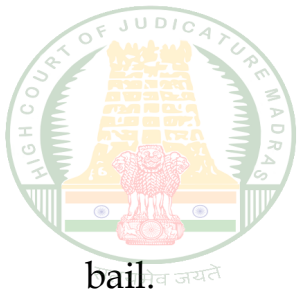
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.51 of 2025 on the file of the Respondent of Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.14 and 15, who were arrested and remanded to judicial custody on 25.01.2025 for the offences punishable under sections 61(2), 318(4) and 204 of BNS, 2023 in Crime No.51 of 2025 on the file of the respondent police, seek



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2. The case of the prosecution is that the defacto complainant is running a limestone factory. In order to expand his business, he needed two crores and for this purpose, he approached one broker. The said broker introduced one Rithish / Accused No.6 in this case for arranging the loan amount. Subsequently, the said Rithish contacted the defacto complainant over the phone and informed him that he had arranged a sum of Rs.4.5 crores, for which he demanded 3% commission. The defacto complainant agreed to this arrangement. On 23.01.2025, the said Rithish and a few others collected a commission amount of Rs.14,40,000/-. However, after receiving the money, they neither arranged the loan nor repaid the commission amount. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would further submit that Accused No.9 in this case was released on bail by this Court in Crl.O.P.(MD).No.3526 of 2025, dated 27.02.2025. He would further submit that there is no specific overt act attributed against the petitioners. He would further submit that the petitioners are in judicial custody from 25.01.2025 and they are also ready to abide by any condition to be imposed by this Court. He would further submit that there are no previous cases pending against the petitioners. Hence, the



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petitioners may be released on bail.

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4. The learned Additional Public Prosecutor would submit that the petitioners are working as acting drivers in the locality. He would further submit that there are totally fifteen accused persons in this case and the petitioners have been arrayed as Accused Nos.14 and 15. He would further submit that there are no previous cases pending against the petitioners. He would further submit that the petitioners obtained the commission amount of Rs.14,40,000/- from the defacto complainant and thereafter, neither arranged the loan amount nor repaid the said amount. Accordingly, he strongly opposed to grant bail to the petitioner.

5. The learned counsel appearing for the intervener would submit that he wants to file an intervening application before this Court, but, sofar, he has not filed any intervening application. However, he opposed to grant bail to the petitioners on the ground that the petitioners had colluded with the main accused and received a sum of Rs.14,40,000/- from the defacto complainant and cheated him. Hence, he vehemently opposes to grant bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions made on either side, considering the nature of offences levelled against the petitioners, considering the fact that no previous case is pending against the petitioners and also taking into consideration the



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period of incarceration underwent by the petitioners and considering the fact that the petitioners are only the acting drivers according to the prosecution and considering the fact that there is no overt act attributed against the petitioners, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate VI, Madurai and on further conditions that:

[b] the petitioners shall report before the respondent Police daily at 10.00 A.M. for a period of thirty days and thereafter, as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate /Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 B.N.S.

sd/-
12/03/2025
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12/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRLA PRISON, MADURAI.
 - 4 THE INSPECTOR OF POLICE, AVANIYAPURAM POLICE STATION,
MADURAI CITY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.SURESH, Advocate (SR-2645[I] dated 12/03/2025)

ORDER
IN
CRL OP(MD) No.4596 of 2025
Date :12/03/2025

RS/IT/SAR-(12.03.2025) 5P 7C
Madurai Bench of Madras High Court is issuing
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