



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4649 of 2025

Mathiyazhagan

... Petitioner/ Accused No.10

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
Crime No.51 of 2025

... Respondent/ Complainant

For Petitioner : Mr.I.Santhiyanandam

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.51 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 11.03.2025

under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

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



grant bail.

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2. The petitioner /Accused No.10 was arrested and remanded to judicial custody on 24.01.2025 for the alleged offences punishable under Sections 61(2), 318(4) and 204 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.51 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant was running a limestone quarry in Tirunelveli and was in need of money to purchase machinery. The defacto complainant approached a broker, one Dinesh, at Thatchanallur, who, in turn, introduced him to one Rithish (A1). A1 promised the defacto complainant that he would arrange a loan of Rs.4,80,00,000/- at a low interest rate. Accordingly, the defacto complainant sent a copy of the documents for his agricultural lands. A1 asked for a 3% commission on the above arrangement, which the defacto complainant agreed to. On 23.01.2025, at 10:00 a.m., A1 asked the defacto complainant to come to Amica Hotel at Mandela Nagar, Madurai, along with the commission amount of Rs.14,40,000/-. The defacto complainant, accompanied by two persons, Nallasiva and Madasamy, reached the hotel. There, the defacto complainant saw a car bearing Registration No.TN 47 AE 0999 parked at the hotel, in which two other persons were present. A1 showed two bags, stating that they contained currencies amounting to Rs.4.80 crores.



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A1 then immediately took the commission amount of Rs. 14,40,000/- from the defacto complainant. When the defacto complainant asked about the loan amount, A1 informed him that he would come to Tirunelveli and pay the amount at the defacto complainant's office. Nallasiva, who had come with the defacto complainant, accompanied A1 in the Innova car, while Madasamy and the defacto complainant followed them in another car. After some time, the Innova car turned towards Thoothukudi Road instead of Tirunelveli Road. The defacto complainant was informed that there was a problem at the toll gate, and hence, they were going towards Thoothukudi Road. When both cars reached Aruppukottai, three persons emerged from a Bolero car parked by the roadside. One of them was in police uniform. They inspected the cars and demanded the money that was kept in the Innova car. Two of the persons boarded the Innova car and fled the place, leaving Nallasiva behind. The person in police uniform got into the Bolero car and left the location. The defacto complainant picked up Nallasiva and followed the Bolero car. While he was contacting A1 to inform him about the incident, A1 told the defacto complainant to return to Amica Hotel and not to follow the Bolero car. It was at this point that the defacto complainant became suspicious and realized that he had been jointly cheated by the accused persons. Hence, the case.

4. Mr.I.Santhiyanandam, the learned counsel appearing for the petitioner,



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submits that the petitioner is the friend of A2, and he has been falsely implicated in this case. He further submits that the petitioner has no previous case and the co-accused persons/A9, A12, A13, A14 and A15 were arrested and released on bail by this Court. He further submits that the petitioner has been in judicial custody since 24.01.2025, and that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that out of Rs.14,40,000/-, A1 (Rithish) transferred a sum of Rs.70,000/- to his wife's bank account. The balance amount of Rs.13,70,000/- was recovered from A1. The petitioner is A10. The petitioner has no previous case. He further submits that if the petitioner is enlarged on bail, he, along with other accused persons, commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. The petitioner was arrested on 24.01.2025 and has been in judicial custody. Considering the overt act of the petitioner, and also considering the fact that the petitioner is the friend of A2, and the period of incarceration, and taking note of the fact that the petitioner has no previous case, and with a view to give an opportunity



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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.VI, Madurai;

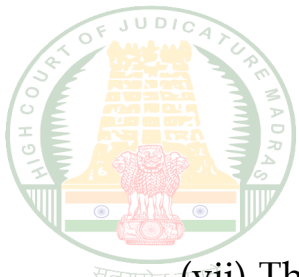
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.VI, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.VI, Madurai;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

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

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



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(vii) 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;

(viii) The petitioner shall also not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not try to contact the defacto complainant; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.VI, Madurai 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/-
13/03/2025

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14/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



apd
TO
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- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.SATHIYANANTHAM, Advocate (SR-2836[I] dated 14/03/2025)

ORDER
IN

CRL OP(MD) No.4649 of 2025
Date :13/03/2025

NBF/SAR/ (14/03/2025) 7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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