



CRL.OP(MD). No.4767 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4767 of 2025

1.Santhi

2.Ravichandran

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by

The Inspector of Police,

Sivakasi Town Police Station,

Virudhunagar District.

(Crime No.107 of 2025)

... Respondent / Complainant

Selvam

...Petitioner/Defacto Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.107 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Gangai Amaran,
Advocate

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

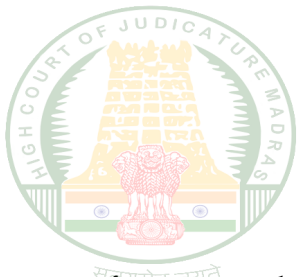
For Intervener : Mr.G.Karuppasampandian,
Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 12.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent police for

the offences punishable under Sections 120(b), 406 and 420 of IPC, in Crime No.107



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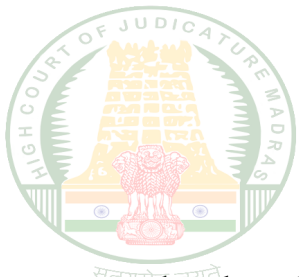
of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that the defacto complainant is a real estate agent. On 10.11.2022, both petitioners approached the defacto complainant regarding the sale of their property, measuring 1.75 cents, for an agreed price of Rs.1.60 crores, which was mutually accepted by both parties and paid them a total of Rs.34,30,000 in multiple installments through cash and cheques. Despite repeated assurances, the petitioner failed to execute the sale deed and instead kept postponing it. Consequently, the defacto complainant lodged a complaint against the petitioners and others. Hence, the case.

4. Mr.C.Gangai Amaran, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners have been arrayed as Accused Nos.1 and 2. He further submits that there was a money dispute between the defacto complainant and the accused persons. The amount



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involved in this case is very huge. Hence, custodial interrogation of the petitioners is
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necessary to unearth the truth. He further contends that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.G.Karuppasamypandiyan, the learned counsel for the defacto complainant argues that in the line of the learned Additional Public Prosecutor.

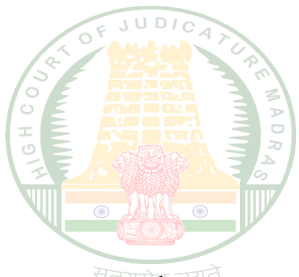
7. Heard on both sides. This Court has perused the records.

8. Since this Court was not inclined to grant pre-arrest bail to the second petitioner considering the overtact allegedly committed by him, the learned counsel for the petitioners sought permission of this Court to withdraw the petition insofar as the second petitioner is concerned. However, as regards the first petitioner, this petition survives.

9. The first petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by the first petitioner and taking note that the first petitioner is a woman and also taking note of the fact that there are no previous cases against the first petitioner and with a view to give an opportunity to the first petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the first petitioner.

Accordingly, pre-arrest bail is granted to the first petitioner subject to the following

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



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conditions:
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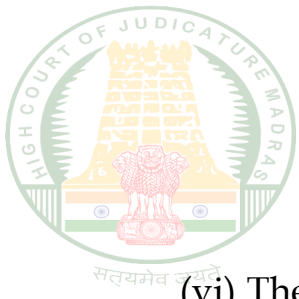
(i) The first petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate No.I, Sivakasi, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 No.I, Sivakasi.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

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

(iv) The first petitioner shall make herself available for interrogation by a police officer as and when required.

(v) The first 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.



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(vi) The first petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The first petitioner shall not leave India without the previous permission of the Court.

(viii) The first petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

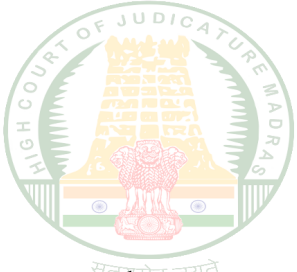
(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the first petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

10. Accordingly, this Criminal Original Petition is dismissed as withdrawn insofar as the second petitioner is concerned and is allowed insofar as the first petitioner is concerned subject to the conditions stated supra.

sd/-
20.03.2025

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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

- 1.The Judicial Magistrate No.I,
Sivakasi.
- 2.Do through the Chief Judicial Magistrate,
Virudhunagar Distric at Srivilliputhur.
- 3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL.OP(MD). No.4767 of 2025
20.03.2025

SL(01.04.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.