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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4973 of 2025

Anbarasan,
S/o.Ranganathan,
Residing at D.No.17/7,
Vinayakam Street,
Rajaannamalai Puram,
Chennai 600 028.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch Police Station,
Madurai District.
Crime No.06 of 2025

... Respondent/Complainant

For Petitioner : Mr.Elangovan. M.K,
Advocate

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

For Intervener : Mr.D.S.Haroon Rasheed,
Advocate



PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

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PRAYER :-

For Bail in Crime No.6 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 14.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 02.02.2025 for the offences punishable under Sections 406 and 420 of IPC in Crime No.6 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner was running a Mediation Centre, where the defacto complainant attended classes, and in this way, they became acquainted with each other. The petitioner convinced the defacto complainant to invest in his business and assured that he would give 10% interest on the invested amount. The defacto complainant invested a sum of Rs.3,60,000/-, and subsequently, the petitioner promised the defacto complainant that he would make him a partner in his business, for which the petitioner asked the defacto complainant to invest a sum of Rs.50,00,000/-. The defacto complainant transferred a sum of Rs.46,10,000/- to the petitioner through bank transfers and cash on several dates. The petitioner promised



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that he would repay the entire amount within a period of one year. However, he repaid only a sum of Rs.4,00,000/- to the defacto complainant and failed to repay the balance amount of Rs. 46,00,000/- [Rs.3,60,000 + Rs.46,10,000 - Rs.4,00,000], and thereby cheated the defacto complainant. When the same was questioned, the petitioner threatened the defacto complainant. Hence, the case.

4. Mr.M.K.Elangovan, the learned counsel appearing for the petitioner, submits that a false case has been foisted against the petitioner and that the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 02.02.2025 and is ready to abide by any conditions to be imposed by this Court. Therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation has been completed and charge sheet has been filed before the concerned Court. He further submits that, if the petitioner is enlarged on bail, he will cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

6. Mr.D.S.Haroon Rasheed, learned counsel appearing for the intervener, submits that the petitioner cheated the defacto complainant and failed to repay the amount of Rs.46,00,000/-. He further submits that if bail is granted to the petitioner,



he will cause threat to the defacto complainant. Hence, he vehemently opposes to grant bail to the petitioner.

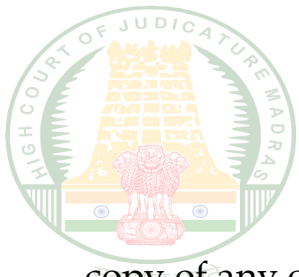
7. Heard on both sides. This Court has perused the records.

8. The petitioner was arrested and remanded to judicial custody on 02.02.2025.

In view of the fact that the investigation has been completed and charge sheet has been filed before the concerned Court, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and with a view to give an 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, 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 learned Judicial Magistrate No.I, Madurai, shall obtain a



copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Madurai weekly twice (i.e., on Monday and Friday) at 10.30 a.m., and 05.00 p.m., until further orders. If Monday and Friday are holidays, the petitioner shall appear and sign before the concerned Court on the next working day;

(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 he is accused, or suspected, of the commission of which he is suspected;

(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 threat to the defacto complainant and his family members; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.I, Madurai, is entitled to pass appropriate orders against the petitioner



in accordance with law as if the aforementioned conditions are imposed by him as
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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/-
26/03/2025

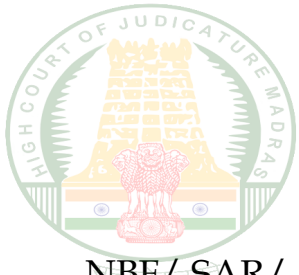
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26/03/2025
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, MELUR, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4973 of 2025
Date :26/03/2025



NBF/ SAR/ (26/03/2025) 7P/6C

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