



CRL OP(MD). No.4964 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4964 of 2025

1. Kanagaraj
2. Muniyasamy
3. Murugesan
4. Gomathisankar
5. Ganesan

... Petitioners/ Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Thachanallur Police Station,
Tirunelveli City,
Tirunelveli District.
(In Crime No. 68 of 2025)
For Petitioner : Mr.R. Karunanidhi,

... Respondent/ Complainant

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 68 of 2025 on the file of the respondent Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 14.03.2025 under Section 482 of 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 191(2), 318(4) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.68 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners advised the defacto complainant to invest money in a new company and to become a share holder. Therefore, totally the defacto complainant invested a sum of Rs.5,00,000/- and thereafter, the petitioners have not responded to the defacto complainant. On 05.03.2025, the defacto complainant went to the house of the wife of the third accused and asked to return his money. At that time, all the accused persons jointly threatened the defacto complainant with dire consequences and abused him in filthy language. Hence, the case.

4. Mr.R.Karunanidhi , learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence,



he prays for grant of pre-arrest bail to the petitioners.

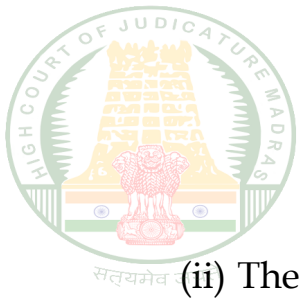
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioners have deceived the defacto complainant and not returned his money. There is one similar case pending as against the petitioners. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offences alleged against the petitioners and also considering the amount involved in this case, this Court is of the view that custodial interrogation is not required in this case. Therefore, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.IV, Tirunelveli, 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.25,000/- (Rupees Twenty Five Thousand only) each 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.IV, Tirunelveli.



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(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 petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners 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;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.IV, Tirunelveli;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the



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petitioners in accordance with law as if the aforementioned conditions are imposed
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by them 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/-
17/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
3. THE INSPECTOR OF POLICE, THACHANALLUR POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.4964 of 2025
Date :17/04/2025

PR/26.05 .2025 6P/5C

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