



CRL.OP(MD).No.4995 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4995 of 2025

Thayalan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.44 of 2025)

... Respondent / 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 petitioner in Crime No.44 of 2025 on the file of the respondent-police.

For Petitioner : Mr.K.Sangilimurugan,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 465, 466, 468, 469, 471 and 120B of Indian Penal Code, 1860, in Crime No.44 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the property originally belonged to Velu Asari, who executed a Will in favour of Gurunathan. Subsequently, Gurunathan executed a settlement deed in favour of the defacto complainant. Without knowing the actual facts, the petitioner issued a house tax receipt for the year 2009-2010 in favour of the A1, who is the brother of the defacto complainant's uncle. Relying on the said house tax receipt, A1 filed a civil suit before the learned District Munsif Court, Vadipatti, in O.S.No.57 of 2018, which is still pending adjudication. Based on the complaint given by the defacto complainant, the respondent-police registered a case against the petitioner and another accused for the alleged offence. Hence, the case.

4. Mr.K.Sangilimurugan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-



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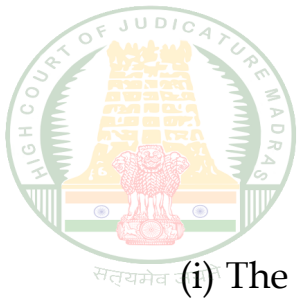
arrest bail.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a property dispute between the other accused persons and the defacto complainant. He therefore contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. It appears that the petitioner has been arrayed as Accused No.2 (A2), who was serving as the Clerk. Accused No.1 passed away on 07.03.2023 while the case was pending. It further appears that a property dispute existed between A1 and the defacto complainant, who are relatives. A1 filed a suit in O.S. No. 57 of 2018 before the District Munsif Court, Vadipatti, and obtained an interim order in his favour. The prosecution's case is that during the pendency of the suit, the petitioner (A2) issued a house tax receipt in A1's name. In view of the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not necessary for the investigating agency in this case. Hence, this Court does incline to grant an order of pre-arrest bail to the petitioner, however subject to the following conditions:



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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Vadipatti, Madurai, 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) 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, Vadipatti, Madurai.

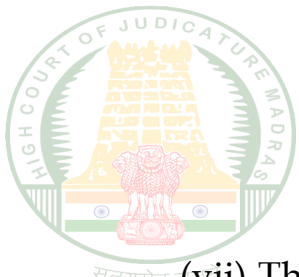
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

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

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

(v) 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.

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



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Court.

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

(viii) The petitioner shall furnish his 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 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/-
26/03/2025

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

PAL



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TO
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- 1.THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI.
 2. DO-THOUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3.THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. N.REVATHI Advocate SR.No.3616(I) DT:28/03/2025

ORDER
IN
CRL OP(MD) No.4995 of 2025
Date :26/03/2025

PP//SAR-(21.04.2025) 6P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023