



CRL.OP(MD).No.5165 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.5165 of 2025

Muthu @ Isakimuthu @ Esakkimuthu ... Petitioner / Accused No.1
Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.5 of 2024)

... 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.5 of 2024 on the file of the respondent-police.

For Petitioner : Mr.D.Rajaboopathy,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to 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 406, 420, 506(i) of IPC, in Crime No.5 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and other co-accused introduced themselves as partners in a reputed software firm and convinced the defacto complainant to invest. Trusting them, the defacto complainant arranged funds from his personal resources, bank loans, and contributions from friends and relatives, totaling Rs.7 crores. Despite repeated demands, the accused failed to return the money and later threatened the defacto complainant when he pursued legal action. The defacto complainant initially filed complaints on 01.10.2023 and 02.11.2023, but no action was taken. Consequently, he approached the Judicial Magistrate Court, Sattur, under Section 156(3) of the Code of Criminal Procedure, seeking a direction to register an FIR. Hence, the present case.

4. Mr.D.Rajaboopathy, the learned counsel for the petitioner, submits that the petitioner is an innocent person and 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-arrest bail.



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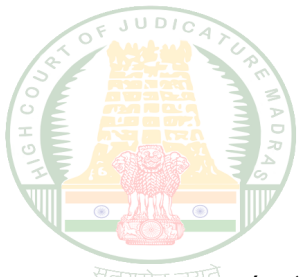
5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there was a money dispute between the accused persons and the defacto complainant. He further submits that the amount involved in this case is very huge. He therefore contends that if pre-arrest bail is granted to the petitioner, he may abscond 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. The petitioner and the defacto complainant had some money transactions. In view of the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner may not be required for the investigating agency. Hence, this Court does incline to grant an order of pre-arrest bail to the petitioner, however subject to the following conditions:

(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 No.II, Virudhunagar, Virudhunagar District, 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.50,000/-

(Rupees Fifty Thousand only) along with two sureties each for a like sum of



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Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial
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Magistrate No.II, Virudhunagar, Virudhunagar District.

(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 daily at 10.00 a.m. until further orders.

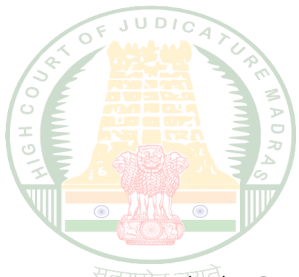
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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.

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

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



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(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/-
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.II,
Virudhunagar,
Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur

3.The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhunagar District.

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-3227[I] dated 21/03/2025)

Order made in
CRL OP(MD) No.5165 of 2025
20.03.2025

SL(02.04.2025)/ 6P/ 6C

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