



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

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PRESENT

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

CRL.OP(MD). No.5354 of 2025

1.Nallamalai

2.Uma Maheshwari

... Petitioners / Accused Nos.1 & 2

**Vs.**

The State of Tamil Nadu rep by  
The Inspector of Police,  
Devadhanapatti Police Station,  
Theni District.

(Crime No.94 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 petitioners in Crime No.94 of 2025 on the file of the respondent-police.

For Petitioners : Mr.N.Mohideen Basha,  
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 petitioners on 20.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

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

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



the offences punishable under Sections 406, 420 and 506(1) of IPC, 1860, in Crime

No.94 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that in the year 2020, the defacto complainant approached the first petitioner for arranging a loan at a low interest rate. In this regard, the first petitioner demanded a commission. Accordingly, the defacto complainant paid a total sum of Rs.4,50,000 by way of cash and through account on various dates as commission to the first petitioner. However, the first petitioner failed to arrange the loan as promised. When the defacto complainant contacted the first petitioner, he evaded the matter, leading the defacto complainant to file a complaint with the respondent-police in February 2023. However, no action was taken. When the defacto complainant went to the first petitioner's house, the family members of the first petitioner i.e., the second petitioner threatened the defacto complainant. Subsequently, on 01.06.2023, the defacto complainant lodged the present complaint again to the respondent-police. The present FIR was registered on 15.03.2025. Hence, this case.

4. Mr.N.Mohideen Basha, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioners. He further submits that there are no previous cases against the petitioners. He however submits that the petitioners are ready to

abide by the conditions that may 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, the learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioners have been arrayed as A1 and A2. He further submits there is a money dispute between the petitioners and the defacto complainant. He however submits that if this Court grants pre-arrest bail to the petitioners, they will commit similar type of offence and cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the nature of the offence allegedly committed by the petitioners, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary for the investigation agency in this case. Further, the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the fact that the petitioners are first offenders and also taking into account of the fact that the petitioners are ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) and with a view to give an opportunity to the petitioners to reform themselves, 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, Periyakulam, Theni



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.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, Periyakulam, Theni 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 petitioners shall jointly pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.94 of 2025, before the Judicial Magistrate, Periyakulam, Theni District. In turn, the Judicial Magistrate, Periyakulam, Theni District is directed to deposit the same, in an interest-bearing Fixed Deposit, in any nationalized bank, initially for a period of one year, and renew them, till the conclusion of the case. The learned Judicial Magistrate or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.

(iv) The first petitioner alone shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.30 a.m., until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) 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.

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

(viii) The petitioners shall not leave India without the previous permission of the Court.

(ix) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(x) 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 petitioners 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/-

24.03.2025

// True Copy //

/04/2025

Sub Assistant Registrar  
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,  
Madurai



To

1.The Judicial Magistrate,  
Periyakulam,  
Theni District.

2.Do Through The Chief Judicial Magistrate,  
Theni District.

3.The Inspector of Police,  
Devadhanapatti Police Station,  
Theni District.

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

+1 CC TO MR.N.MOHIDEEN BASHA, ADVOCATE, SR-3372[I] DATED  
25/03/2025

ORDER  
IN

CRL OP(MD) No.5354 of 2025  
Date :24/03/2025

RS(15/04/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing  
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