



CRL.OP(MD). No.5317 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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G.Sumathy

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Theni,
Theni District.
(Crime No.13 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.13 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Baskaran,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

For Intervener : Mr.K.Sathish Kumar,
Advocate



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 19.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 417, 420, 468, 471 and 120B of Indian Penal Code, 1860, in Crime No.13 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that Accused No.1 is a friend of the husband of the de-facto complainant's sister. The husband of the de-facto complainant's sister engaged Sooraj (A1) to secure a Government Teacher job for his wife. Since the de-facto complainant is the brother, he made a payment of Rs. 88,01,916/- to A1 for securing the said Government job. However, the de-facto complainant's sister did not receive the promised Government job. It is further alleged that the petitioner, who is the mother of A1, conspired with A1 and cheated the de-facto complainant of the said amount. Hence, the case.

4. Mr.K.Baskaran, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she 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 any



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conditions to be imposed by this Court. Accordingly, he prays to grant an order of
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pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that there are no previous cases against the petitioner. He further submits that the petitioner along with A1 cheated the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioner, she will cause threat to the defacto complainant and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

6. Mr.K.Sathish Kumar, the learned counsel for the intervener / defacto complainant submits that the petitioner along with her son (A1), has cheated a sum of Rs.88,01,916/- from the defacto complainant and his brother-in-law by falsely promising to secure a Government job for the defacto complainant's sister at the Batlagundu Government School. He further submits that it is a clear case of cheating involving the creation of forged Government job order documents. He further submits that further custodial interrogation of the accused is necessary in this case. He therefore prays to dismiss this Criminal Original Petition.



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records.

7. Heard the learned counsel on either side. This Court has perused the

8. This Court has perused the FIR. The petitioner herein is the mother of A1. In view of the averments made in the FIR and considering the overt act as alleged in the FIR, this Court is of the view that custodial interrogation of the petitioner is not required for the investigation agency. Further the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

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

(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



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Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
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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 furnish details of all properties owned by the petitioner, as well as properties standing in the name of A1 and any family properties, to the respondent-police.

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

(vi) 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.

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

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

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



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(x) The petitioner shall not enter the residence or workplace of the de-facto complainant and shall not attempt to contact her either directly, indirectly, or through any electronic mode.

(xi) 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]*.

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

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

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To मेव जयते

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1.The Judicial Magistrate,
Theni.

2.Do Through
The Chief Judicial Magistrate,
Theni.

3.The Inspector of Police,
District Crime Branch,
Theni,
Theni District.

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

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KVL - (27.05.2025) 7P/ 5C

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