



CRL.OP(MD).No.5443 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.5443 of 2025

D.Rajakumar @ Rajkumar

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(Crime No.222 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.222 of 2025 on the file of the respondent-police.

For Petitioner : Mr.L.George Paul Anto,
Advocate.

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

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 20.03.2025 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 offence punishable under Sections 294(b), 420 and 506(i) of IPC, 1860, in Crime No.222 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that Accused Nos. 1 and 2, under the pretext of securing a medical seat for the defacto complainant's son at Medical College, received a sum of Rs.8,73,500/- from the defacto complainant during the period between 05.11.2021 and 10.05.2022. The said amount was deposited by the defacto complainant into a trust run by Accused Nos. 1 and 2. However, they failed to arrange the medical seat and refused to return the amount. Therefore, the defacto complainant filed a private complaint before the Judicial Magistrate, Boothapandy, Kanyakumari District. Based on the order passed in CrI.M.P.No.2140 of 2024 by the learned Judicial Magistrate, Boothapandy, Kanyakumari District, the respondent-police registered a case against four accused persons in Crime No. 222 of 2025 for the alleged offences punishable under Sections 294(b), 420, and 506(i) IPC on 12.03.2025.

4. Mr.L.George Paul Anto, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as



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alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that no money transaction took place between the petitioner and the defacto complainant. 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) 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 not yet recovered. 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 to unearth the truth. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the offence allegedly committed by the petitioners, this Court is of the opinion that custodial interrogation of the petitioner is not necessary. Further the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that the petitioner is first offender and with a



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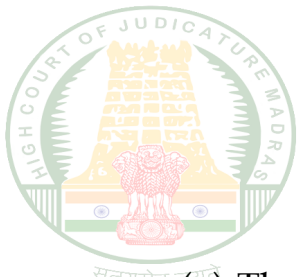
view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(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, Boothapandy, Kanyakumari 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.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, Boothapandy, Kanyakumari 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.



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(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.

(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].



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

sd/-
24/03/2025

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/04/2025

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

TO

1 THE JUDICIAL MAGISTRATE
BOOTHAPANDY, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI
DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-3408[I] dated 25/03/2025)



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ORDER

IN

CRL OP(MD) No.5443 of 2025

Date :24/03/2025

AS/SAR/ (09/04/2025) 7P /6 C

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