



CRL OP(MD). No.5533 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5533 of 2025

Nithyaraj

... Petitioner/ A4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Pandhanallur Police Station,
Thanjavur.
Crime No.40 of 2023

... Respondent/ Complainant

For Petitioner : Mr.A.Anandha Prakash

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 482 of 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, 406, 294(b) and 506(2) of Indian Penal Code, 1860 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.40 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that A1 received a sum of Rs.2,75,000/- from the defacto complainant by promising to get a job in abroad. Later, travel arrangements were made, defacto complainant along with three others flew to Sharjah on 06.01.2023. On reaching Dubai, the defacto complainant and others were not received by the petitioner / A4 as promised. Further, A4 confined the defacto complainant and others and demanded more money. Thereafter, the defacto complainant and others returned India. When the defacto complainant and his wife went to Sagadevan's Office (co-accused), and asked to return the money, the co-accused namely Sagadevan, caused life threat to the defacto complainant and his



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wife. Hence, the case.

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4. Mr.A.Anandha Prakash, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that investigation is yet to be completed and prays to dismiss this Criminal Original Petition.

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

7. The occurrence took place in the year 2023 and till date, the petitioner / A4 has not been arrested by the respondent-Police. The conduct of the respondent-Police shows that the custodial interrogation of the petitioner is not necessary. Considering the overt act of the petitioner as alleged in the FIR, and considering the facts and circumstances of this case, this Court is of the view that custodial



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interrogation of the petitioner is not necessary in this case. Hence, 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 bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur 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 make himself available for interrogation by a police officer as and when required;

(iv) 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;



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(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, Thanjavur District;

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

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Judge 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 them 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/-
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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi

TO

1.The District Munsif cum Judicial Magistrate,
Thiruvidadaimaruthur, Thanjavur District.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3.The Inspector of Police,
Pandhanallur Police Station,
Thanjavur.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-4868[I] dated 28/04/2025)



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ORDER
IN
CRL OP(MD) No.5533 of 2025
Date :25/04/2025

VN /28.05.2025 7P/6C

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