



CRL OP (MD) No.5628 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5628 of 2025

Maruthupandi,
S/o.Raman,
East Street,
Rayavellur,
Balacombai Post,
Andipatti Taluk,
Theni District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch,
Theni, Theni District.
Crime No.9/2025

... Respondent/ Complainant

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.9 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

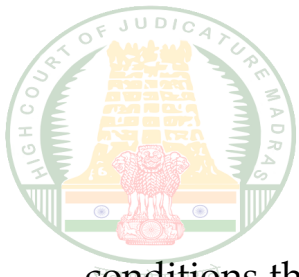
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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.1 was formally arrested and remanded to judicial custody on 03.03.2025 for the offences punishable under Sections 417, 420, 468, 471 and 120B of IPC in Crime No.9 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, along with other accused persons, cheated the de facto complainant and others out of a sum of Rs.26,48,500/- under the pretense of securing a government job and employment abroad. Hence, the case.

4. Mr.R.Velmurugan, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the respondent-police, without conducting proper enquiry, falsely registered a case against the petitioner. He further submits that the petitioner was earlier arrested on 25.01.2025 in connection with another case in Crime No.15 of 2025 on the file of the DCB, Namakkal and that he was formally arrested in this case on 03.03.2025 through P.T. Warrant. He further submits that the petitioner is ready to abide by any



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conditions that may be imposed by this Court. Specifically, he is ready and willing to deposit a sum of Rs.1,62,000/- (Rupees One Lakh Sixty-Two Thousand only) before the learned Judicial Magistrate, Theni. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that a sum of Rs.26,48,500/- has been received by the petitioner and the other accused persons from the victims. He further submits that the investigation has not yet been completed. He further submits that if bail is granted to the petitioner, he may abscond and thereby cause a delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was earlier arrested on 25.01.2025 in connection with another case in Crime No.15 of 2025 on the file of the DCB, Namakkal and thereafter, he was formally arrested in this case on 03.03.2025. The petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to deposit a sum of Rs.1,62,000/- (Rupees One Lakh and Sixty Two Thousand only) before the learned Judicial Magistrate, Theni, and



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with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions.

Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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 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 Practice, 2019']. The learned Judicial Magistrate, Theni, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Theni;

(iv) The petitioner shall appear and sign before the Judicial Magistrate, Theni, weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders;

(v) The petitioner shall deposit a sum of Rs.1,62,000/- (Rupees One Lakh and Sixty Two Thousand only) to the credit of Crime No.9 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Theni. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest-bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them



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periodically until the final order / judgment is passed in the case in Crime No.9 of 2025. The learned Judicial Magistrate/Trial Court shall pass orders qua entitlement of the said amount in its final order/judgment;

(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) 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 or tamper with the evidence;

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni, 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.

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sd/-
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02/04/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE, THENI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI,
THENI DISTRICT.

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

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-3721[I] dated 01/04/2025)

ORDER IN
CRL OP(MD) No.5628 of 2025
Date :01/04/2025

RS/IT/SAR-(02.04.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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