



CRL.OP(MD). No.5642 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.V.Mariyappan

2.Paramasakthi @ Ruba

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
(Crime No.69 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.69 of 2025 on the file of the respondent police.

For Petitioners : Mr.T.Lenin Kumar,
Advocate

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

For Intervener : Mr.M.Ananthkumar,
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 petitioners on 24.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 296(b), 115(2), 351(3) and 318(4) of BNS, 2023, in Crime No.69 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 18.03.2025, one Shamli, wife of Arun Ananth, lodged a complaint with the respondent-police stating that on 04.01.2025, she transferred a sum of Rs.4,00,000/- through online to one Mariappan, who had assured her that he would lease out his property. Sometime later, after speaking with her mother, she requested him to return the money. In response, Mariappan told her that he would pay interest on the amount. Subsequently, the defacto complainant gave him an additional sum of Rs.6,00,000/-. Since Mariappan did not pay the accrued interest, the defacto complainant demanded the return of the total amount of Rs.10,00,000/-. Instead of returning the money, on 12.03.2025, he threatened her with dire consequences. On 14.03.2025, Mariappan is said to have



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assaulted the defacto complainant and her husband. Thereafter, he threatened her stating that he had created documents falsely showing that the defacto complainant had borrowed Rs.10,00,000/- from him and that she could take no action against him. Distressed by this, the defacto complainant consumed pesticide and was immediately taken to the Government Hospital, Tirunelveli. Hence, the case.

4. Mr.T.Lenin Kumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submits that this is a case in counter case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the accused persons assaulted the defacto complainant and threatened her with dire consequences. He further submits that this is a case in counter case. Therefore, he contends that, if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence. Hence, the custodial interrogation of the



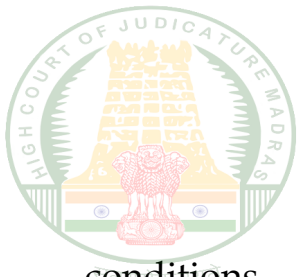
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petitioners is necessary in this case. Accordingly, he prays to dismiss this Criminal
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Original Petition.

6. Mr.M.Ananthkumar, the learned counsel for the intervener submits that A1 cheated a sum of Rs.10,00,000/- and when the defacto complainant requested him to return the same, the accused persons assaulted her and threatened her with dire consequences. He further submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss the Criminal Original Petition.

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

8. In view of the offence allegedly committed by the petitioners, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also taking into account of the fact that the petitioners are first offenders 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



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conditions.

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(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.IV, Tirunelveli, within a period of 15 days from 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 No.IV, Tirunelveli.

(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 appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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



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(v) 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.

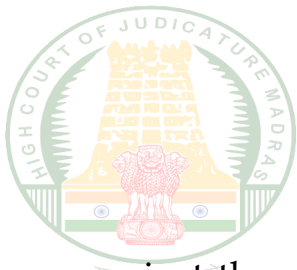
(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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

(ix) The petitioners shall not enter into the defacto complainant's house or her working place.

(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



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against the petitioners in accordance with law as if the aforementioned conditions
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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/-
28/03/2025

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/04/2025

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

PAL

TO

1. THE JUDICIAL MAGISTRATE, NO.IV, TIRUNELVELI.

2. THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI.

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

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



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+1. CC to T.LENINKUMAR Advocate SR.No.3694 (I) DT.01/04/2025

ORDER IN
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Date :28/03/2025

PR/24.04 .2025 8P/6C

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