

CRL.OP(MD). No.5969 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Joseph

2.Shanthi

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Tiruchirappalli,
Tiruchirappalli District.
(Crime No.2 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.2 of 2025 on the file of the respondent-police.

For Petitioners : Mr.B.Deepak,
Advocate

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



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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 27.03.2025 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 420, 147, 294(b), 448 and 506(i) of Indian Penal Code, 1860, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that one Joseph (A1), a native of Kumarapatti Village, Pudukkottai District, who had been well acquainted with the defacto complainant since childhood, expressed his willingness to sell some properties. Thus, the total sale consideration for the properties fixed was Rs.1,83,00,000/-. Out of the said amount, a sum of Rs.1,40,00,000/- was paid as advance in the presence of one Mr.Pushparaj, and the balance was agreed to be paid within six months. An unregistered sale agreement was executed between the parties on 12.08.2021 to this effect. It is further averred that upon expiry of the six-month period, Joseph failed to come forward to execute the sale deed as agreed. When the defacto complainant approached Joseph in this regard, he was instead directed to contact one Sivakumar, Parthasarathy, Pranav, Ganesh, Hareesh, Sakthivel, and Thangam for a compromise. It is further alleged that on 19.06.2024, Joseph, along with his wife and

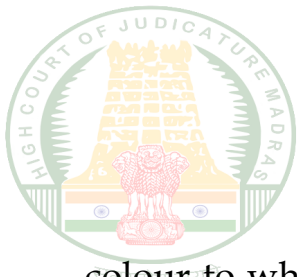


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seven others, trespassed into the residence of the defacto complainant and unlawfully attempted to seize the original documents, which had been handed over by Joseph at the time of execution of the sale agreement. When the defacto complainant resisted, Joseph allegedly threatened him and his wife with dire consequences. Hence, the case.

4. Mr.B.Deepak, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first Petitioner had borrowed a loan from the defacto complainant on 09.01.2019, and at the time of availing the said loan, he handed over the original property documents and two cheque leaves drawn on Indian Bank, Viralimalai Branch, as security. He further submits that the defacto complainant forged the signature of the first Petitioner and created a fabricated, unregistered Sale Agreement. On the strength of the said forged document, the defacto complainant filed a civil suit in O.S. No. 168 of 2023 on the file of the Principal District Court, Pudukkottai. The first Petitioner has entered appearance in the said suit and filed his written statement, and the matter is presently pending adjudication. He further submits that, in order to defeat the lawful rights of the petitioners, the defacto complainant has lodged the present criminal complaint, thereby giving a criminal



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colour to what is purely a civil dispute. He also submits that the second petitioner, who is the wife of the first Petitioner, has absolutely no connection with the alleged transaction between the first petitioner and the defacto complainant, and she has been falsely implicated in the complaint only with the intention to harass the petitioners. 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally nine accused persons in this case and the petitioners have been arrayed as A1 and A2. He further submits that the accused persons had received a sum of Rs.1,40,00,000/- from the defacto complainant. He also submits that the present dispute appears to be civil in nature, arising out of a monetary transaction between the accused persons and the defacto complainant. He further submits that there are no previous cases against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence and that custodial interrogation of the petitioners is necessary in this case to unearth the truth. Accordingly, he prays to dismiss this Criminal Original Petition.



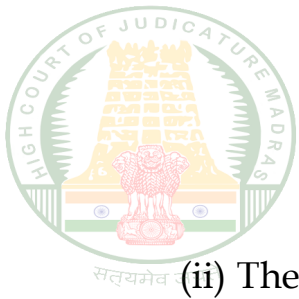
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6. Heard on both sides. This Court has perused the records.

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7. Admittedly, the defacto complainant has filed a suit in O.S. No. 168 of 2023 on the file of the Principal District Court, Pudukkottai. Hence, the matter requires a full-fledged trial to unearth the truth. At this stage, it *prima facie* appears to be a civil dispute between the parties. Further the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioners and 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 conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.IV, Tiruchirappalli, Tiruchirappalli 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) each 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 No.IV, Tiruchirappalli, Tiruchirappalli District.



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(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 proof of each surety to ensure their identity.

(iii) The first petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m., until further orders.

(iv) The second petitioner shall appear before the respondent-police as and when required for the interrogation.

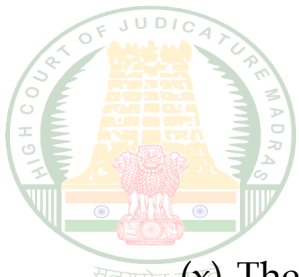
(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) 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.

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

(viii) The petitioners shall not leave India without prior permission of the Court.

(ix) The petitioners shall not enter into the house of the defacto complainant or his work place.



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सत्यमेव जयते (x) The petitioners shall furnish their residential address and mobile number
WEB COPY to the concerned Magistrate.

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Judge, as the case may be, is entitled to pass appropriate orders against the petitioners 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]*.

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

Sd/-

28/04/2025

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Sub Assistant Registrar
(CS-I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai.

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To

1.The Judicial Magistrate No.IV,
Tiruchirappalli,
Tiruchirappalli District.



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2.Do Through
The Chief Judicial Magistrate,
Tiruchirappalli.

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

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-4966[I] dated 29/04/2025)

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KVL - (27.05.2025) 8P/ 6C

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