



CRL OP (MD) No.6200 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sivabharathi @ Bharathi

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Suthamalli Police Station,
Suthamalli, Tirunelveli District.
Crime No.88 of 2025

... Respondent/Complainant

For Petitioner : Mr.N.Vignesh
Advocate

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

For intervener : Mr.D.Venkatesh
Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.88 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A3 was arrested and remanded to judicial custody on 13.03.2025 for the offences punishable under Sections 420 and 120B of Indian Penal Code, 1860, in Crime No.88 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant approached Accused No.1, who is an astrologer, for performing certain poojas. He demanded a sum of Rs.6,00,000/- under the pretext of conducting magical rituals. After receiving the said amount, A1, along with the other accused persons, threatened the defacto complainant not to disclose the matter to anyone, stating that if he did, they would destroy his family property. Thus, they cheated him and his family members. Hence, the complaint.

4. Mr.N.Vignesh, learned counsel appearing for the petitioner, submits that the



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petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against him. He further submits that the petitioner is ready to abide by any condition that may be imposed by this Court and, to show his *bona fide*, he is ready and willing to deposit a sum of Rs.1,00,000/-. He also submits that the petitioner has been in incarceration since 13.03.2025. 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 totally, there are five accused persons in this case, and the petitioner herein has been arrayed as Accused No.3. He further submits that the investigation of the case is pending, and therefore, at this stage, if the petitioner is released on bail, he may abscond and tamper the witnesses. Therefore, he vehemently opposes to grant bail to the petitioner.

6. Mr.D.Venkaesh, learned counsel for the intervener/defacto complainant, submits that if the petitioner is enlarged on bail, he will cause threat to the life of the defacto complainant and his family members. Hence, he opposes to grant pre-arrest bail to the petitioners.



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

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Information Report.

8. Considering the offence allegedly committed by the petitioner and taking note of the fact that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/-, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence. Therefore, there is less possibility of absconding. Considering the same, and also considering the fact that the petitioner has been in judicial custody since 13.03.2025, and 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 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, Cheranmahadevi;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Cheranmahadevi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.88 of 2025 before the learned Judicial Magistrate, Cheranmahadevi without prejudice to his rights and contentions before the Trial Court and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties. Upon such deposit, the concerned Magistrate shall deposit the said amount in a fixed-deposit scheme in any one of the Nationalized Banks for a period of one year, and thereafter, renew the same until the conclusion of the trial. The learned Judicial Magistrate/Trial Court shall pass orders *qua* entitlement of the said amount in its final order/judgment;

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

(v) The petitioner shall appear and sign before the respondent - police daily at 10.00 am until further orders;



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(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 and witnesses; and

(x) On breach of any of the aforementioned conditions, the the learned Judicial Magistrate, Cheranmahadevi, 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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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
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09/04/2025

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
SUTHAMALLI,
TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.VIGNESH, Advocate (SR-4131[I] dated 09/04/2025)



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+1 CC to M/s.D.VENKATESH, Advocate (SR-4151[I] dated 09/04/2025)

ORDER

IN

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Date :08/04/2025

SS/SAR- /09/04/2025/ 8P/8C

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