



CRL.OP(MD).No.6214 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

CRL.OP(MD).No.6214 of 2025

Venkadachalam

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.115 of 2025)

... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.115 of 2025 on the file of the respondent-police.

For Petitioner : Mr.M.Mudiyarasu,
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 petitioner on 02.04.2025 under Section 482 of the 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 offence punishable under Sections 316(2) and 318(4) of BNS, 2023, in Crime No.115 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner is a relative of the defacto complainant. It is stated that the petitioner approached the defacto complainant and borrowed a sum of Rs.2,00,000/- by executing a promissory note in his favour. The petitioner again borrowed a sum of Rs.2,00,000/- from the defacto complainant. In lieu of the earlier transaction, the petitioner replaced the previous promissory note by executing a fresh promissory note for a consolidated amount of Rs.4,00,000/-, covering both loan amounts. Later, the petitioner approached the father of the defacto complainant and borrowed an additional sum of Rs.4,00,000/-, promising to repay the same within one month. In support of the said transaction, the petitioner issued a cheque bearing No.752396 dated 10.07.2024, drawn on TMB Bank, Theni, for a sum of Rs.8,00,000/-. At that point, the defacto complainant's father returned the earlier promissory note to the petitioner. However, when the defacto



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complainant presented the said cheque for encashment, it was returned with an endorsement "Account Closed". Hence, the present FIR was registered, alleging that the petitioner defrauded the defacto complainant by failing to repay the borrowed amount of Rs.8,00,000/-.

4. Mr.M.Mudiyarasu, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He further submits that the investigation in this case has not been conducted properly by the respondent-police, and that the FIR was registered by the respondent-police pursuant to the order passed by the learned Judicial Magistrate, Theni only. He however submits that the petitioner is ready to abide any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a money dispute between the accused person and the defacto complainant and his father. He therefore contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case.



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Accordingly, he prays to dismiss this Criminal Original Petition.

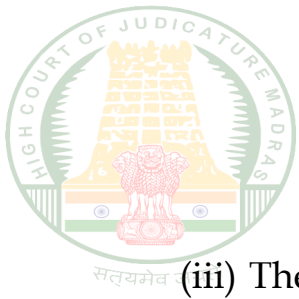
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6. Heard on both sides. This Court has perused the records.

7. The petitioner has 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, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Hence, this Court does incline to grant an order of pre-arrest bail to the petitioner, however subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Theni, 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 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 shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Monday at 09.00 a.m. until further orders.

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

(v) 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.

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

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

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

(ix) 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 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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28/04/2025

/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.THE JUDICIAL MAGISTRATE,
THENI.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THENI.

3.THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M.MUDIYARASU, Advocate (SR-5085[I] dated 30/04/2025)

ORDER
IN

CRL OP(MD) No.6214 of 2025

Date :28/04/2025

HPS/28.05.2025 /6P/6C

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