

CrI.O.P.(MD)No.6551 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CrI.O.P.(MD)No.6551 of 2025

Balaji

... Petitioner / 4th Accused

Vs.

The State of Tamil Nadu,
By the Inspector of Police,
CCD-III, Tirunelveli City.
(Crime No.12 of 2022)

... 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 petitioner in Crime No.12 of 2022, on the file of the respondent- police.

For Petitioner : Mr.D.Vekatesh

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

* * * * *

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



Crl.O.P.(MD)No.6551 of 2025

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2.The petitioner apprehends arrest at the hands of the respondent-police for the offence punishable under Section 420 of IPC and Section 66-D of the Information Technology (Amendment) Act in Crime No.12 of 2022, on the file of the respondent-police.

3.The case of the prosecution is that the defacto complainant was informed by his friend that on deposit of amount in an online App, namely, dynamix.vip, the depositor will be gained. Accordingly, the defacto complainant downloaded the said App on 22.05.2022, and deposited a sum of Rs.1,00,000/- in HDFC Bank account through UPI ID and it was also resembled in the App. Thereafter, App was not functioning from 25.05.2022, onwards. Then, only he came to know that he was cheated. Based on the confession of A1, who has created the said App with a help of the A2, the petitioner has been arrayed as accused. As per confession, he worked for the main accused on Commission basis. The occurrence is of the year 2022 and now 3 years have lapsed. After arrest, A1 refunded the amount of Rs.1,00,000/- to the defacto complainant by cash deposit into the bank account. Hence, the case.

4.Mr.D.Vekatesh, the learned counsel for the petitioner, submits that the



Crl.O.P.(MD)No.6551 of 2025

WEB COPY

petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and a false has been foisted against this petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for grant of pre-arrest bail to the petitioner.

5.*Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case against the petitioner. He contends that, if the petitioner is granted pre-arrest bail, he will commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7.In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep root in the society, and therefore, there is less possibility for absconding. Considering the above fact that Rs.1,00,000/- alleged cheated amount has been recovered from A1 and taking note of the fact that there is no previous case against the petitioner, and with a view to give an



Crl.O.P.(MD)No.6551 of 2025

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opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:-

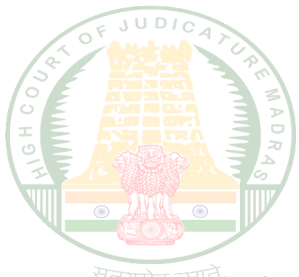
(i)The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Tirunelveli, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, 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 petitioner shall appear and sign before the respondent-police **daily at 10.00 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.



Crl.O.P.(MD)No.6551 of 2025

WEB COPY

(vi)The petitioner shall 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]*.

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

sd/-
17/04/2025

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

RJR



Crl.O.P.(MD)No.6551 of 2025

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1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
CCD-III,
TIRUNELVELI CITY,

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-4431[I] dated 21/04/2025)

ORDER
IN

CRL OP(MD) No.6551 of 2025

Date :17/04/2025

SS/SAR- /09/05/2025/ 6P/6C

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