

CRL.OP(MD).No.6471 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6471 of 2025

Suresh Baby

... Petitioner / Accused No.4

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
Aaralvaimozhi Police Station,
Kanyakumari District.
(Crime No.222 of 2025)

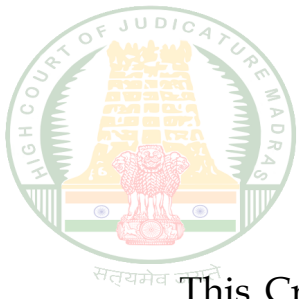
... Respondent / Complainant

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.222 of 2025 on the file of the respondent-police.

For Petitioner : Mr.G.Sailendrababu,
Advocate.

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

ORDER : The Court made the following order :-



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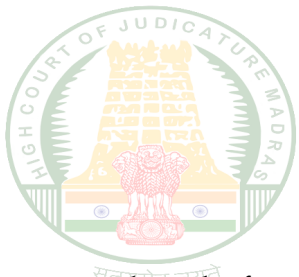
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This Criminal Original Petition has been filed by the petitioner on 04.04.2024 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 294(b), 420 and 506(i) of Indian Penal Code, 1860, in Crime No.222 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the son of the defacto complainant was preparing for the NEET examination. During that time, Accused Nos.1 to 4 approached the defacto complainant and assured her that they could secure an MBBS seat for her son at CMC Medical College, Vellore. They demanded money for the same. Believing their representation, the defacto complainant paid a total amount of Rs. 8,73,500/- into the bank account of a Charitable Trust run by Accused Nos.1 and 2, on several occasions. Subsequently, it is stated that all the accused persons cheated the defacto complainant. When she demanded the return of the amount, the petitioner, along with the other three accused, criminally intimidated and threatened her. Hence, the case.

4. Mr.G.Sailendrababu, the learned counsel for the petitioner, submits that the petitioner is ready and willing to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) in the Crime No.222 of 2025 on the file of the respondent-



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police before the learned Judicial Magistrate, Boothapandi, Kanyakumari District.

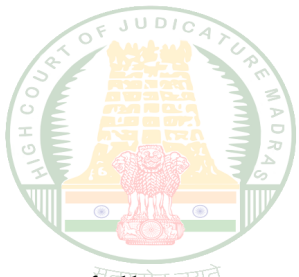
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He further submits that the petitioner is ready to abide any conditions to be imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally four accused persons in this case and the petitioner has been arrayed as A4. He further submits that the specific overt act attributed to the petitioner is that he introduced Accused Nos. 1 and 2 to the defacto complainant. He further submits that there are no previous cases against the petitioner. However, he, 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. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also taking into account that the petitioner is ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the



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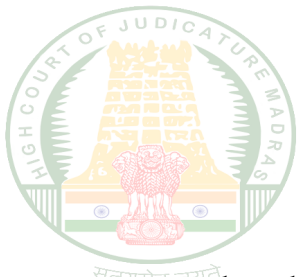
following conditions:

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(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, Boothapandi, Kanyakumari 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) 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, Boothapandi, Kanyakumari District.

(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 deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of the Crime No.222 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Boothapandi, Kanyakumari District, within a period of one month from today. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.222 of



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2025. The learned Judicial Magistrate or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.

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

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

(vi) 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.

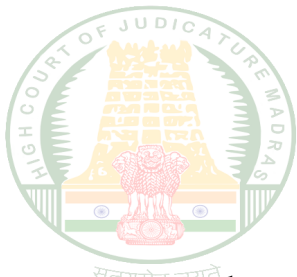
(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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

(x) The petitioner shall not enter into the defacto complainant's house or her work place.

(xi) 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 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/-

28/04/2025

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/ /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,
Boothapandi,
Kanyakumari District.

2.Do Through
The Chief Judicial Magistrate,
Kanyakumari.



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3.The Sub-Inspector of Police,
Aaralvaimozhi Police Station,
Kanyakumari District.

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

+1 CC to M/s.G.SAILENDRA BABU, Advocate (SR-4978[I] dated 29/04/2025)

Order made in

CRL OP(MD) No.6471 of 2025

28.04.2025

BV(27/05/2025) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.