



CRL.OP(MD). No.6631 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.6631 of 2025

1.Prasanth

2.Santhi

3.Ramesh

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.
(Crime No.10 of 2025)

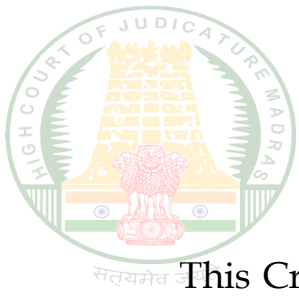
... Respondent / Complainant

PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.10 of 2025 on the file of the respondent-police.

For Petitioners : Mr.K.Arunraj,
Advocate

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

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioners on 07.04.2025 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 417, 420 and 506(i) of Indian Penal Code, 1860, in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 06.03.2025, the defacto complainant lodged a complaint before the respondent-police alleging that the first petitioner had cheated the defacto complainant by making a false promise to marry her, but subsequently refused to fulfill the promise. Based on the said complaint, the present case has been registered.

4. Mr.K.Arunraj, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He further submits that the second and third petitioners are the parents of the first petitioner and they have no connection whatsoever with the defacto complainant or the alleged incident. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.



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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioners have been arrayed as Accused Nos.1 to 3. He further submits the first petitioner had cheated the defacto complainant by making a false promise to marry her, but subsequently refused to fulfill the said promise. He further submits that there are no previous cases against the petitioners. He further contends that if the petitioners are released on bail, they will cause threat to the defacto complainant and her family members. Hence, custodial interrogation of the petitioners is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

6. This Court has heard the learned counsel on both sides and perused the materials available on record.

7. The first petitioner had a physical relationship with the defacto complainant under the false promise of marriage. Now, the defacto complainant is currently six months pregnant. In view of the above, this Court is of the opinion that the custodial interrogation of the first Petitioner is absolutely necessary to unearth the truth. Accordingly, this Court is not inclined to grant pre-arrest bail to the first petitioner alone.

8. The second and third petitioners are the parents of the first petitioner. They have permanent residence and deep roots in the society. Hence, there is less



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possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by the second and third petitioners and with a view to give an opportunity to them to reform themselves, this Court is inclined to grant pre-arrest bail to the second and third petitioners. Accordingly, pre-arrest bail is granted to the second and third petitioners subject to the following conditions:

(i) The second and third petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Musiri, 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, Musiri.

(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 second and third petitioners 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 and third petitioners shall make themselves available for



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interrogation by police as and when required.

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(v) The second and third 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.

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

(vii) The second and third petitioners shall not leave India without prior permission of the Court.

(viii) The second and third petitioners shall furnish their residential address and mobile numbers to the concerned Magistrate.

(ix) 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 second and third 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].



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9. Accordingly, this Criminal Original Petition is dismissed insofar as the first petitioner is concerned and is allowed insofar as the second and third petitioners are concerned subject to the conditions stated *supra*.

sd/-
28/04/2025

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

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To

1. The Judicial Magistrate, Musiri.
 2. Do through the Chief Judicial Magistrate, Trichy.
 3. The Inspector of Police, All Women Police Station, Musiri, Trichy District.
 4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.ARUNRAJ, Advocate (SR-5055[I] dated 29/04/2025)

ORDER IN
CRL OP(MD) No.6631 of 2025
Date :28/04/2025

PP/28.05.2025 6P/6C

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