



CRL OP (MD) No.6735 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Ganesha
2. Sankara
3. Ram
4. Raju

... Petitioners/ A1 to A4

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kalakad Police Station,
Kalakad,
Tirunelveli District.
(Crime No.9 of 2025)

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.9 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 08.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.1 to 4 were arrested and remanded to judicial



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custody on 04.01.2025 for the alleged offence punishable under Sections 316(2) and 318(4) of BNS, 2023 in Crime No.9 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that the accused persons colluded together and induced the defacto complainant to purchase gold at a lower price. On 14.11.2024, the defacto complainant bought gold jewel from the accused persons for a sum of Rs.3,00,000/- and subsequently, he came to know that the above jewel is a fake one and accused persons cheated him. Hence, the case.

4. Mr.N.Pragalathan, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 04.01.2025 and are ready to abide by any conditions that may be imposed by this Court. He further submits that the investigation has been completed and the respondent-Police has filed a charge sheet before the learned Judicial Magistrate, Nanguneri and the same has been taken on file in C.C.No.43 of 2025. He further submits that P.W.1 to P.W.12 were examined. He further submits that already, the co-accused have deposited a sum of Rs.1,50,000/-. He further submits that the petitioners are ready and willing to deposit the remaining amount Rs.1,50,000/- to show their bona fide. He therefore prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor



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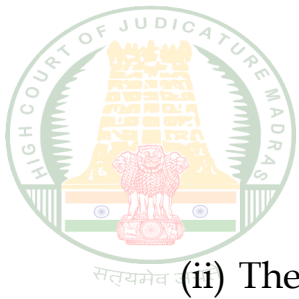
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appearing for the respondent-police, submits that the petitioners have cheated the defacto complainant, to the tune of Rs.3,00,000/-. He further submits that if bail is granted to the petitioners, they may abscond and delay the trial. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners were arrested and have been in judicial custody since 04.01.2025. Considering the offences allegedly committed by the petitioners and also considering the undertaking given by the petitioners that they will settle the dispute with the defacto complainant, this Court is of the opinion that further custody of the petitioners is not necessary in this case. Further, the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to reform themselves, this Court is inclined to grant an order of bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each 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, Nanguneri, Tirunelveli District;



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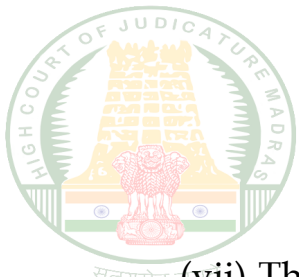
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Nanguneri, Tirunelveli District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Nanguneri, Tirunelveli District;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate, Nanguneri, Tirunelveli District on all working days at 10.30 a.m., until further orders;

(v) Each petitioner shall deposit a sum of Rs.37,500/- (Rupees Thirty Seven Thousand and Five Hundred only) to the credit of Crime No.9 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District. 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.9 of 2025. The learned Judicial Magistrate/Trial Court shall pass orders qua entitlement of the said amount in its final order/judgment;

(vi) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;



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(vii) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(viii) The 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(ix) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and also the witnesses; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Nanguneri, Tirunelveli District, is entitled to pass appropriate orders against the petitioners 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 stands allowed subject to the conditions stated supra.

sd/-
15/04/2025

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16/04/2025

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

TSG



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TO
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1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISION, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, KALAKAD POLICE STATION,
KALAKAD, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4237[I] dated 15/04/2025)

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4272[I] dated 16/04/2025)

ORDER

IN

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Date :15/04/2025

RS/ /SAR-(16.04.2025) 6P 8C

Madurai Bench of Madras High Court is issuing
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