

CRL.OP(MD).No.6910 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6910 of 2025

K.Jeyaraj

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.152 of 2023)

... 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.152 of 2023 on the file of the respondent-police.

For Petitioner : Mr.A.Gnanasekar,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 15.04.2024
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 406 and 420 of Indian Penal Code, 1860, in Crime No.152 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant states that she is a Nursing graduate, and in her pursuit of employment, she approached the petitioner through her husband's relative, Ganesan, who is the co-accused. The petitioner assured the defacto complainant that he would secure a job for her. Relying on this assurance, the defacto complainant paid a sum of Rs.2,70,000/- to the petitioner, partly through G-Pay and partly in cash, on various dates. However, the petitioner failed to arrange employment for the defacto complainant. Upon repeated demands made by her to recover the said amount, the petitioner issued a cheque for Rs.3,00,000/- in her favour. When the said cheque was presented for encashment, it was dishonoured. Despite several further demands, the petitioner failed to repay the amount. Hence, the case.

4. The petitioner already filed Crl.OP(MD).No.13368 of 2023 before this Court seeking pre-arrest bail and the same was also dismissed on 23.08.2023. The relevant portions are extracted hereunder:-

"4. But perusal of CD file shows that the documents have been



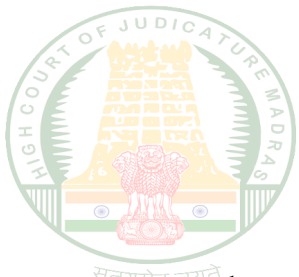
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collected to show the transfer of money. Apart from that it is not denied that he issued a cheque for Rs.3,00,000/- in favour of the defacto complainant. So, the transaction cannot be disputed by the petitioner now.

5. According to the petitioner, the cheque is issued in favour of the defacto complainant and it bounced. So, the defacto complainant filed a complaint under Section 138 of Negotiable Instrument Act.

6. Considering the fact that the defacto complainant was cheated by this petitioner twice. First time by receiving money and failed to secure the job. Second time, the petitioner failed to honour the cheque, which was issued by him. This type of attitude cannot be encouraged. It is sufficient to the petitioner not to claim any discretionary relief. Hence, this anticipatory bail petition deserves dismissal and accordingly dismissed."

5. Mr.A.Gnanasekar, the learned counsel for the petitioner, submits that the petitioner is ready and willing to deposit a sum of Rs.1,80,000/- (Rupees One Lakh and Eighty Thousand only) in the Crime No.152 of 2023 on the file of the respondent-police before the learned Judicial Magistrate, Melur. He further submits that the defacto complainant has not filed any complaint under Section 138 of the Negotiable Instruments Act. He also submits that the petitioner is ready to abide by



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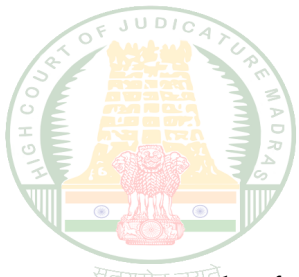
any conditions imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

6. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has received a sum of Rs.2,70,000/- from the defacto complainant on the false promise of securing job. 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.

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

8. Considering the facts and circumstances of the case and also taking into account that the petitioner is ready to deposit a sum of Rs.1,80,000/- (Rupees One Lakh and Eighty 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 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, Melur, within



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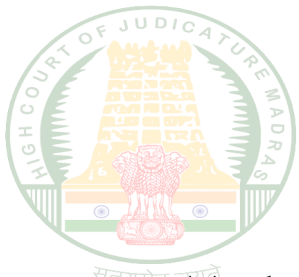
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a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Melur.

(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.1,80,000/- (Rupees One Lakh and Eighty Thousand only) to the credit of the Crime No.152 of 2023 on the file of the respondent-police, before the learned Judicial Magistrate, Melur, within a period of three months 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.152 of 2023. The learned Judicial Magistrate or Trial Judge 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 once i.e., on every Sunday at 10.00 a.m. until further orders.



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(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.

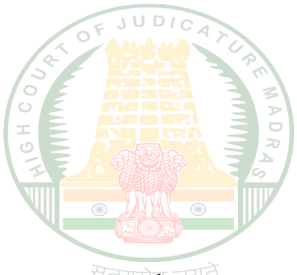
(viii) The petitioner shall not leave India without the previous permission of the Court.

(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 his/her work place.

(xi) 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 petitioner 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]*.

9. Accordingly, this Criminal Original Petition is allowed subject to the



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conditions stated *supra*.

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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,
Melur.

2.Do Through
The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

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

Order made in
CRL OP(MD) No.6910 of 2025
25.04.2025

BV(27/05/2025) 7P/ 5C

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