



CRL OP(MD). No.6884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Raja Mohamed

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch,
Trichy.
Crime No.82 of 2024

... Respondent/ Complainant

For Petitioner : Mr.M.Arun Prakash

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023
PRAYER :-

For Anticipatory Bail in Crime No.82 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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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 offences punishable under Sections 420 and 406 of Indian Penal Code, 1860, in Crime No.82 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a manufacturer of Aluminium Foil Containers and the petitioner / A2 is one of the directors of Econex Products India Pvt. Limited. The crux of the complaint is that the petitioner and other accused persons misappropriated a sum of Rs.35,10,000/- that was entrusted to them as advance with regard to an order. Hence, the case.

4. Mr.M.Arun Prakash, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against him. He further submits that the petitioner has filed an undertaking affidavit stating his property details. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the investigation is yet to be completed and prays to dismiss this Criminal Original Petition.



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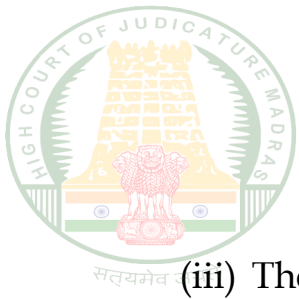
6. Heard on both sides. This Court has perused the records.

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7. A perusal of the First Information Report would show that the dispute between the defacto complainant, petitioner and other accused persons is civil in nature. Moreover, the petitioner filed an undertaking affidavit *inter alia* furnishing the details of the properties owned by him. In view of the facts and circumstances, this Court is of the view that custodial interrogation of the petitioner may not be required for the investigation agency. Hence, 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Trichy, 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 No.I, Trichy;

(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;



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

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Saturday and Sunday at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Trichy;

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

(ix) On breach of any of the aforementioned conditions, concerned 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 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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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 No.I, Trichy
2. Do through the Chief Judicial Magistrate, Trichy.
- 3.The Inspector of Police,District Crime Branch,Trichy.
- 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.
+1 CC to M/s.M.ARUN PRAKASH, Advocate (SR-5070[I] dated 29/04/2025)

ORDER IN
CRL OP(MD) No.6884 of 2025
Date :28/04/2025

PP/21.05.2025 5P/6C

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