



CRL.OP(MD). No.6892 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 25.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6892 of 2025

Sivakumar

... Petitioner / Accused No.5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No.124 of 2025)

... 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.124 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Ponraj,
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 15.04.2025 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 offences punishable under Sections 120(B) and 420 of Indian Penal Code, 1860,



CRL.OP(MD). No.6892 of 2025

in Crime No.124 of 2025 on the file of the respondent-police.

WEB COPY

3. The case of the prosecution is that the the defacto complainant is the owner of a land property measuring 1100 square feet, situated at No.301, KP Road, 454, 456A, MS Road, Parvathipuram, Vettoornimadam Post, Nagercoil. The accused persons, who are associated with the Marakkayar Biryani Shop, approached the defacto complainant seeking to rent the said premises for operating a biryani shop. Pursuant to the discussions, a rental agreement was executed for a monthly rent of Rs. 75,000/-. It is further alleged that the accused assured the defacto complainant that they would carry out all necessary alterations to the shop at their own cost to suit the operation of the biryani business. However, the accused received a sum of Rs.5,17,998/- for doing alteration work. After receiving the said amount, the accused issued a cheque, which was dishonoured due to insufficient funds. Subsequently, the accused failed to comply with the terms of the agreement. Thereafter, the defacto complainant lodged a complaint with the respondent-police, based on which an FIR was registered at the respondent police station on 26.03.2025.

4. Mr.P.Ponraj, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any



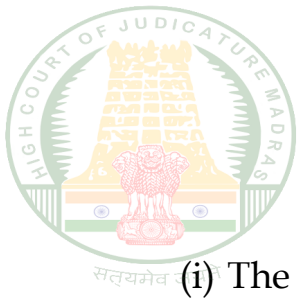
CRL.OP(MD). No.6892 of 2025

conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally five accused persons in this case and the petitioner has been arrayed as A5. He further submits that the accused persons issued a cheque, which was dis-honoured due to insufficient funds. 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 commit a similar offence in future. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the nature of the offence allegedly committed by the petitioner, and considering the property dispute existing between A1 to A4 and the defacto complainant, custodial interrogation of the petitioner is not required. Further the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and the nature of the offence allegedly committed by the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:



CRL.OP(MD). No.6892 of 2025

WEB COPY

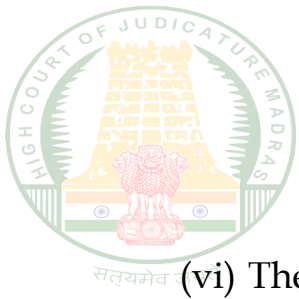
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.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.II, Nagercoil, 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 appear and sign before the respondent-police weekly thrice i.e., on every Sunday, Monday and Thursday at 10.00 a.m. until further orders.

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

(v) 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.



CRL.OP(MD). No.6892 of 2025

WEB COPY

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

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

(viii) The petitioner shall furnish his residential address and mobile number 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 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]*.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

25/04/2025

// True Copy //

/05/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai.

pal

5/6



CRL.OP(MD). No.6892 of 2025

To मेव जयते

WEB COPY

- 1.The Judicial Magistrate No.II,
Nagercoil,
Kanyakumari District.
- 2.Do Through
The Chief Judicial Magistrate,
Kanyakumari.
- 3.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.OP(MD). No.6892 of 2025
25.04.2025

KVL - (27.05.2025) 6P/ 5C

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