



CRL.OP(MD). No.6974 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

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1.Jayabalamurugan @ Jeyabalamurugan
2.Vijayalakshmi
3.Surya @ Arulkumar

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.56 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.56 of 2025 on the file of the respondent police.

For Petitioners : Mr.Praveen Kumar,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 15.04.2025
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 petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 406, 420, 294(b) and 506(i) of Indian Penal Code, 1860, in Crime No.56 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a retired Army personnel. He retired from service on 28.02.2021 and deposited his retirement gratuity and other benefits in his bank account. It is alleged that during this time, the petitioners approached him stating that they were planning to start a Mineral Water Plant Company and requested him to invest a sum of Rs.2,00,000/- as a loan on interest basis. Since the parties were well known to each other, the defacto complainant transferred the said amount on 07.08.2021. Subsequently, the first petitioner is said to have gradually received a total sum of Rs.21,80,000/- from the defacto complainant, under the assurance that he would be made a partner in the proposed company. However, it is alleged that the petitioners neither paid any interest nor fulfilled their promise to include the defacto complainant as a partner. Furthermore, on 18.01.2025, when the defacto complainant demanded repayment of the money, the petitioners abused him and issued serious threats to his life. Based on these allegations, an FIR came to be registered. Hence, the case.

4. Mr.Praveen Kumar, the learned counsel for the petitioners, submits that the



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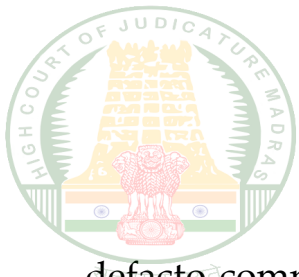
petitioners are innocent persons and that they have not committed any offence as
WEB COPY alleged by the prosecution and that they have been falsely implicated in this case.

He further submits that the petitioner and the defacto complainant have had business transaction and the defacto complainant issued notice dated 07.04.2025 to the petitioner under Section 138 of Negotiable Instruments Act, 1881. He further submits that there are no previous cases against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally three accused persons in this case and the petitioners have been arrayed as A1 to A3. When the defacto complainant requested the petitioners to repay the amount which he invested, the accused persons threatened the defacto complainant using filthy language and threatened him with dire consequences. Therefore, he contends that, if pre-arrest bail is granted to the petitioners, they will abscond and tamper with the evidence. Hence, the custodial interrogation of the petitioners is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioners and that

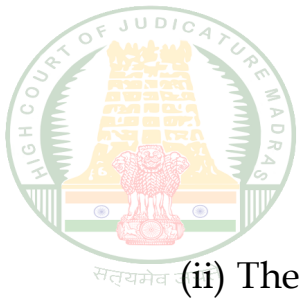


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defacto complainant issued notice dated 07.04.2025 to the petitioner under Section 138 of Negotiable Instruments Act, 1881, this Court is of the view that the dispute between the petitioner and the defacto complainant is pre-dominantly civil in nature. To be noted, the above view will not cause any prejudice to the prosecution case. The above view is recorded only for the limited purpose of deciding the bail application alone. In view of the nature of the case, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also taking into account of the fact that the petitioners are first offenders and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The 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 No.II, Usilampatti, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti.



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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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police weekly once i.e., on every Sunday at 10.00 a.m. until further orders.

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

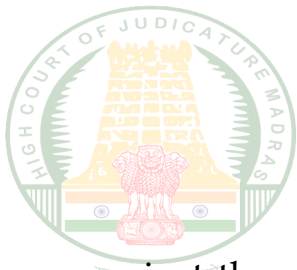
(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(viii) The petitioners shall not enter into the defacto complainant's house or her working place.

(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



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against the petitioners in accordance with law as if the aforementioned conditions
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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

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

pal
TO

1 THE JUDICIAL MAGISTRATE II, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to PRAVEEN KUMAR Advocate SR.No.4919(I)dated 28/04/2025



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ORDER

IN

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Date :25/04/2025

NBF/28.05.2025 7P/6C

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