



CRL OP (MD) No.7147 of 2025

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

Date : 21/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Priya

2. Premnath

3. Amutha

... Petitioners/ A3 to A5

Vs

The State of Tamil Nadu

Rep. by the Inspector of Police,

District Crime Branch,

Trichy District.

Crime No.481 of 2017

... Respondent/ Complainant

For Petitioners: Mr.S.Sivailayaraja,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:-

To enlarge the petitioners/ A3 to A5 on bail in C.C.No. 605/2022 pending on the file of the learned Judicial Magistrate No.I, Trichy in connection with Crime No.481 of 2017 on the file of the respondent-police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 16.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.3 to 5 voluntarily surrendered before the Trial Court after issuance of Non-Bailable Warrant issued against them and were remanded to judicial custody on 14.03.2025. The petitioners are facing trial in C.C.No.605 of 2022 on the file of the learned Judicial Magistrate No.I, Trichy for the alleged offence punishable under Sections 406, 420 and 468 of Indian Penal Code, 1860 in connection with Crime No.481 of 2017 on the file of the Respondent-Police.

3. The case of the prosecution is that the petitioners, along with other accused persons, cheated the defacto complainant of a sum of Rs.4,00,000/- under the pretense of securing a job for him in TNPL at Mondipatti. However, they neither secured the job nor returned the amount. Consequently, the defacto complainant demanded the refund of his money, both over the phone and in person. After several attempts, Accused No.2 handed over a cheque for Rs. 4,00,000/-, dated 05.06.2017, drawn in favour of the defacto complainant. When the defacto complainant presented the cheque for collection, it was returned with an endorsement of "Stop Payment." Thus, all the accused persons are alleged to have



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cheated the defacto complainant. Hence, the complaint.

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4. Mr.S.Sivailayaraja, 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 regularly appearing before the learned Judicial Magistrate No.1, Trichy. He further submits that the learned counsel on record before the Trial Court failed to file necessary application on 17.10.2024, hence, Non-Bailable Warrant was issued and that the petitioners voluntarily surrendered before the Trial Court and were remanded to judicial custody on 14.03.2025. He further submits that the petitioners have been in judicial custody since 14.03.2025 and are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for granting bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners did not appear before the Trial Court and hence Non-Bailable Warrant was issued against the petitioners on 17.10.2024 and the same was executed on 14.03.2025. He further submits that the case is pending since 2022 without any progress. He further submits that if bail is granted to the petitioners, they may abscond and thereby cause delay in the trial proceedings. Hence, he strongly opposes to grant bail to the petitioners.



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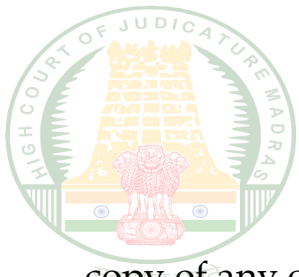
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6. Heard the learned counsel appearing on either side and perused the records.

7. This Court considered the submission made by the learned counsel for the petitioners that the petitioners have been regularly appearing before the trial Court since 09.09.2022 and that on 17.10.2024, the learned counsel on record before the Trial Court failed to file petition under Section 317 of Cr.P.C.,(equivalent Section 282 of BNSS, 2023). Hence, the Non-Bailable Warrant was issued. The petitioners voluntarily surrendered before the Trial Court and were remanded to judicial custody on 14.03.2025. In view of the above, this Court is of the opinion that an opportunity may be granted to the petitioners to appear before the Trial Court and co-operate with the trial. Considering the above as well as the period of incarceration, this Court is inclined to grant an order of bail to the petitioners, however, 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 No.I, Trichy 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 No.I, Trichy District, shall obtain a



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copy of any one of identity proofs to ensure their identity;

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(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.I, Trichy District,;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.I, Trichy District, on every Monday and Friday at 10.30 a.m., until further orders and the petitioners shall appear before the Trial Court on all hearing days, without fail;

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

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

(vii) 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;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Trichy District, is entitled to pass appropriate orders against the



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petitioners in accordance with law as if the aforementioned conditions are imposed
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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 is allowed subject to the conditions
stated supra.

sd/-
21/04/2025

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22 /04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

1.THE JUDICIAL MAGISTRATE, NO.I,TRICHY DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.

4.THE OFFICER IN CHARGE, SPECIAL PRISON FOR WOMEN, TRICHY.

5.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,TRICHY DISTRICT.

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

+1. CC to S.SIVAILAYARAJA Advocate SR.No.4454(I) DT. 21/04/2025

ORDER IN
CRL OP(MD) No.7147 of 2025
Date :21/04/2025

PR/22.04.2025 7P/8C

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