



CRL OP (MD) No.7312 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

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Balaganesh

... Petitioner/ A3

Vs.

The State of Tamil Nadu
Rep. by the Sub-Inspector of Police,
District Crime Branch Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.7 of 2024

... Respondent/Complainant

For Petitioner : Mr.M.Pandian,
Advocate

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

For Intervener : Mr.S.Balaji,
Advocate

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-

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For Bail in Crime No.7 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 17.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 29.03.2025 for the offences punishable under Sections 406, 420, 506(1) and 120B of Indian Penal Code, 1860 in Crime No.7 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, along with other accused persons, received a sum of Rs.18,83,000/- from the defacto complainant under the pretense of securing a government job for his son. However, the accused persons neither repaid the amount nor secured a job for the defacto complainant's son. Hence, the case.

4. Mr.M.Pandian, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the respondent-police, without conducting proper enquiry, falsely registered a case



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against the petitioner. He further submits that the petitioner was arrested in this case on 29.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner is ready and willing to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the learned Judicial Magistrate II, Virudhunagar. He further submits that Accused Nos.2 and 4 were already arrested and enlarged on bail by this Court in Crl.O.P.(MD).No.10415 of 2024 on 22.07.2024 and Crl.O.P.(MD).No.5825 of 2025 on 01.04.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that a sum of Rs.18,83,000/- has been received by the petitioner and the other accused persons from the victims. He further submits that if bail is granted to the petitioner, he may abscond and thereby, cause a delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Mr.S.Balaji, learned counsel appearing for the intervener submits that a sum of Rs.18,83,000/- has been received by the petitioner and the other accused persons from the defacto complainant under the pretense of securing job for his son. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses. Hence, he strongly opposes to grant bail to the



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petitioner.

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7. Heard on both sides and perused the case file.

8. The petitioner was arrested and remanded to judicial custody on 29.03.2025.

In view of the offences allegedly committed by the petitioner and considering the fact that Accused Nos.2 and 4 were already arrested and enlarged on bail by this Court in CrI.O.P.(MD) No.10415 of 2024 on 22.07.2024 and CrI.O.P.(MD) No.5825 of 2025 on 01.04.2025, and taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the learned Judicial Magistrate II, Virudhunagar, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten



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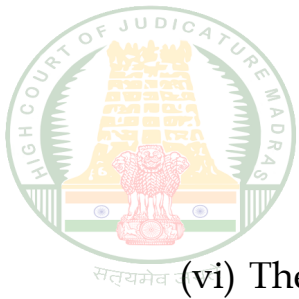
Thousand only) to the satisfaction of the learned Judicial Magistrate II,
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Virudhunagar;

(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 II, Virudhunagar, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate II, Virudhunagar;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders;

(v) The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.7 of 2024 on the file of the respondent-police, before the learned Judicial Magistrate II, Virudhunagar. 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.7 of 2024. The learned Judicial Magistrate/Trial Court shall pass orders qua entitlement of the said amount in its final order/judgment;



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

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) 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 or tamper with the evidence;

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Virudhunagar, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him 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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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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sd/-
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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1. The Judicial Magistrate No.II,
Virudhunagar.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.
3. The officer-in-charge,
District Jail, Virudhunagar.
4. The Sub-Inspector of Police,
District Crime Branch Police Station,
Virudhunagar, Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.PANDIAN, Advocate (SR-4580[I] dated 23/04/2025)



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ORDER
IN
CRL OP(MD) No.7312 of 2025
Date :22/04/2025

MK/SAR /23.04.2025 8P/7C

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