



CRL OP(MD). No.7469 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7469 of 2025

Viswa

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Tenkasi District,
Tenkasi.(Crime No.6 of 2024)

... Respondent/ Complainant

For Petitioner : M/s.Charles Kamalesh M. Appaji,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

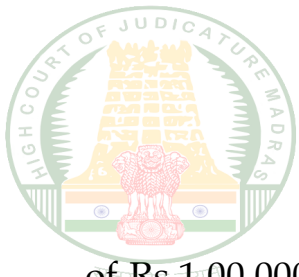
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This Criminal Original Petition has been filed by the petitioner on 22.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A4, apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 406, 465, 468 and 420 IPC in Crime No.6 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that on promising to get a Job in the Tamil Nadu Electricity Board, the petitioner herein and other accused have received a sum of Rs.6,00,000/- from the defacto complainant, which was remitted to the account of 2nd accused and subsequently, cheated the defacto complainant. Hence, the case.

4. Mr.Charles Kamalesh M.Appaji, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He, however, submits that the petitioner is ready and willing to deposit a sum



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of Rs.1,00,000/- to the credit of the crime number to prove his bona fide and prays
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for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that totally four accused persons involved in this case and A3 has already deposited a sum of Rs.3,00,000/- to the credit of the crime number before the Court concerned. He further submits that the investigation of the case is not yet completed and therefore, at this stage, if the petitioner is granted pre-arrest bail, he may be emboldened to commit similar offence, cause threat to the defacto complainant and tamper with the evidence and hence, he strongly opposes to allow this petition.

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

7. In view of the nature of allegation made against the petitioner and that the petitioner is ready to deposit a sum of Rs.1,00,000/- to show his bona fide, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the same, and with a

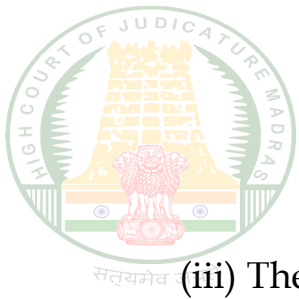


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view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(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, Thenkasi, within a period of 30 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 said Magistrate.

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.6 of 2024 before the learned Judicial Magistrate, Thenkasi, without prejudice to his rights and contentions before the Trial Court. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial. The learned Judicial Magistrate / Trial Judge shall pass orders qua entitlement of the amount in its final Judgment / order.



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(iii) 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 identity proof of each surety to ensure their identity.

(iv) The petitioner shall appear and sign before the respondent – Police weekly twice ie., every Sunday and Monday at 10.00 am until further orders.

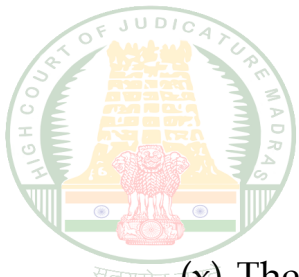
(v) The petitioner shall make himself available for interrogation by police as and when required.

(vi) 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 them from disclosing such facts to the Court or to any police officer.

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

(viii) The petitioner shall not enter into the defacto complainant's residence or his work place.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.



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(x) The petitioner shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(xi) 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 him/her 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/-
24/04/2025

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

TRP

TO

1. The Judicial Magistrate, Tenkasi,
2. Do-Through The Chief Judicial Magistrate,
Thenkasi District.



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3. The Inspector of Police,
District Crime Branch,
Tenkasi District, Tenkasi.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7469 of 2025
Date :24/04/2025

VN /28.05.2025 7P/5C

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