



CRL OP(MD). No.7554 of 2025

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

Date : 24/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Karthikeyan @ Karthick

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
DCB Police Station,
Sivagangai District,
Crime No.7/2025.

... Respondent/ Complainant

For Petitioner : Mr.C.Venkatesh
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.7 of 2025 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 / Accused No.1 apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.7 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner herein has contacted the defacto complainant and informed that he is running a retail shop in the name of Guru Traders and asked him to supply 21,829 Paddy bags worth about Rs.2,83,77,700/- and assured to pay the amount at the time of delivery. The defacto complainant has also sent the same, but the petitioner paid only a sum of Rs.1,66,77,700/- and the balance amount was not paid to the defacto complainant. Hence, the case.

4. Mr.C.Venkatesh, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by



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the prosecution, and he has been falsely implicated in this case. The defacto complainant has not filed any suit for recovery of money. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant 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 was a business transactions between the parties and the petitioner has to pay the balance amount of around Rupees One Crore and Seventeen Lakhs. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses, and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that there was a business between the petitioner and the defacto complainant and that the defacto complainant has not filed any suit for recovery of

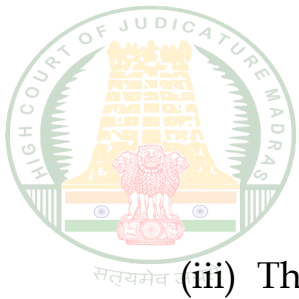


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money, this Court is of the view that the custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of offences allegedly committed by the petitioner, this Court is of the view that transaction held between the petitioner and the defacto complainant is a business transaction, pre-dominantly civil in nature. Hence, 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 No.II, Sivagangai, 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.25,000/- (Rupees Twenty Five Thousand only) 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, Sivagangai.

(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.II, Sivagangai shall obtain a copy of any one identity proof of each surety to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent - Police weekly twice ie., on every Monday and Friday at 10.00 am until further orders.

(iv) The petitioner shall make himself available for interrogation by police 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 them from disclosing such facts to the Court or to any police officer.

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

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

(viii) The petitioner shall furnish his residential address and mobile number to learned Judicial Magistrate No.II, Sivagangai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II or the Trial Judge as the case may be, Sivagangai, 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]*.



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

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Sd/-

24/04/2025

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

TRP

TO

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



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