

CRL.OP(MD).No.7540 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.7540 of 2025

Vairavan

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
District Crime Branch,
Thoothukudi.
(Crime No.5 of 2025)

... Respondent / Complainant

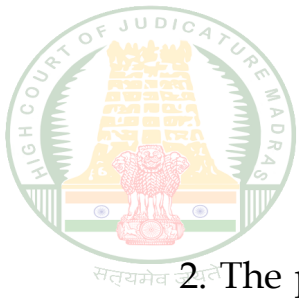
PRAYER :- Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.5 of 2025 on the file of the respondent-police.

For Petitioner : Mr.L.Prabhu,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 22.04.2024 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 406 and 420 of Indian Penal Code, 1860, in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant has preferred a complaint. It is alleged that the petitioner, who was working as the Village Administrative Officer (Thalaiyari) at Sular Village, Kariapatti Taluk, Virudhunagar District, approached the defacto complainant and promised to arrange a government job for her in the post of Village Assistant. For this purpose, the defacto complainant was required to pay a sum of Rs.7,00,000/-. Believing the petitioner, the defacto complainant paid the said amount to him. However, the petitioner neither arranged the promised job nor fulfilled his assurance. Following this, the defacto complainant approached the petitioner and requested him either to secure the promised job or to return the sum of Rs.7,00,000/- paid by her. Despite repeated demands, the petitioner failed to arrange any job or to return the money. It is further alleged that when the defacto complainant insisted on the return of the money, the petitioner threatened her and stated that he was not in a position to return the said amount, thereby cheating her and causing serious consequences. Hence, the case.

4. Mr.L.Prabhu, the learned counsel for the petitioner, submits that the petitioner is received a sum of Rs.7,00,000/- as a loan for his medical expenses and



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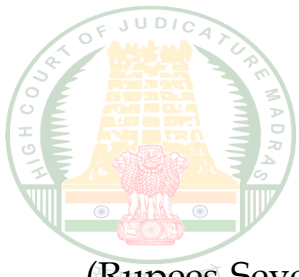
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executed a promissory note to the defacto complainant. He further submits that the petitioner is now ready and willing to return the said amount for a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the defacto complainant within a period of four months from today. He further submits that the petitioner is ready to abide any conditions to be imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent police, submits that the petitioner received a sum of Rs.7,00,000/- from the defacto complainant under the pretext of securing a job for the post of Village Assistant and subsequently cheated her. To that effect, the investigation agency has collected sufficient materials to establish the case. He further submits that there are no previous cases against the petitioner. However, he, contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner 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. Considering the facts and circumstances of the case and also taking into account that the petitioner is ready and willing to return a sum of Rs.7,00,000/-



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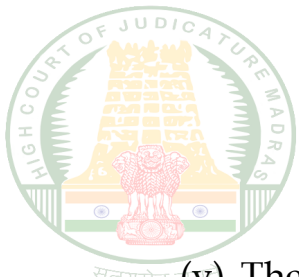
(Rupees Seven Lakhs only) to the defacto complainant and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.IV, Thoothukudi, 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.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 learned Judicial Magistrate No.IV, Thoothukudi.

(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 petitioner shall repay the alleged amount of Rs. 7,00,000/- (Rupees Seven Lakhs only) to the defacto complainant within a period of four months from today, i.e., on or before 28.08.2025.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.



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

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

(viii) The petitioner shall not leave India without the previous permission of the Court.

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

(x) The petitioner shall not enter into the defacto complainant's house or her work place.

(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 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*.

Sd/-
28/04/2025

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

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To

- 1.The Judicial Magistrate No.IV,
Thoothukudi.
- 2.Do Throguh
The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Sub-Inspector of Police,
District Crime Branch,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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WEB COPY +1 CC to M/s.L.PRABHU, Advocate (SR-4987[I] dated 29/04/2025)

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28.04.2025

KVL - (27.05.2025) 7P/ 6C

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