



CRL OP(MD). No.8007 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Palanichamy

2. Pon Amirtham

3. Kanagavelrajan

4. Karthick @ Athiban Karthickrajan,

... Petitioners/ Accused Nos.1 to 4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch, Theni,
Theni District.

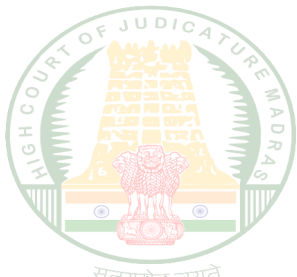
Crime No. 15 of 2025.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
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For Anticipatory Bail in Crime No.15 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 25.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 120(b), 406, 417 and 420 of IPC, in Crime No.15 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that one Palanikumar introduced the petitioners to the defacto complainant. The said Palanikumar informed to the defacto complainant that he had given money to the petitioners for getting job for his relative. Thereafter, the petitioners assisted to get job for his relative. Subsequently, the defacto complainant approached the first petitioner and requested to get job for his son and he handed over a sum of Rs.15,00,000/- on 03.07.2021 and also he remitted a sum of Rs.2,00,000/- on 02.07.2021 at Canara Bank. However, the petitioners failed to arrange any job. Thereafter, the first petitioner had given a cheque on 26.07.2022 and also he executed an undertaking affidavit on the same day. But, the cheque was returned with an endorsement as "Insufficient



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fund” and thereafter, the petitioners refused to give money and hence, the de-facto complainant filed petition in Cr.M.P.No.8030 of 2024, under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate, Theni, and the same was forwarded to the respondent Police on 19.12.2024. Thereafter, the present case has been registered.

4. Mr.S.Muniyandi, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioners. He further submits that there are no previous cases against the petitioners. He however submits that the petitioners are ready to abide any conditions that may be imposed by this Court. He further submits that the petitioners are ready and willing to deposit a sum of Rs.5,00,000/- to show their *bona fide* before the trial Court in the Crime number. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-Police, submits that the petitioners have been arrayed as A1 to A4. He further submits that the petitioners had promised to secure a job for the defacto complainant and had received money and subsequently cheated. He further submits that if pre-arrest bail order is granted in favour of the



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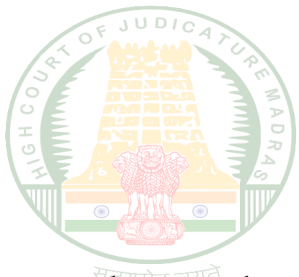
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petitioners, on the strength of this Court order they will commit similar type of offence and cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Petitioners have no previous case. In view of the nature of the offence allegedly committed by the petitioners, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary for the investigation agency in this case. Further, the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the above and also considering the facts and circumstances of the case and taking into account of the fact that the petitioners are ready and willing to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Theni, 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) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five



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Thousand only) to the satisfaction of the learned Judicial Magistrate, Theni,.

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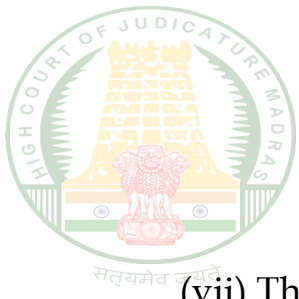
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Theni, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) (each Rs.1,25,000/-) to the credit of Crime No.15 of 2025, before the learned Judicial Magistrate, Theni, on or before 30.05.2025. In turn, the learned Judicial Magistrate, Theni, is directed to deposit the same, in an interest-bearing Fixed Deposit, in any nationalized bank, initially for a period of one year, and renew them, till the conclusion of the case. The learned Judicial Magistrate or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.

(iv) The petitioners shall appear and sign before the respondent-police weekly twice (ie., on Saturday and Sunday) daily at 10.00 a.m., until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) 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.



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

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

(ix) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Theni.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni, or Trial Judge, as the case may be, is entitled to pass appropriate orders against the petitioners 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]*.

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

Sd/-

29/04/2025

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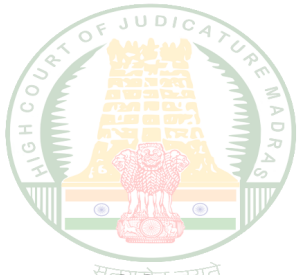
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Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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TO

1.The learned Judicial Magistrate,
Theni.

2.Do Through
The Chief Judicial Magistrate,
Theni.

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

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-5013[I] dated 29/04/2025)

ORDER
IN

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Date : 29/04/2025

BV(27/05/2025) 7P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.