



CRL OP (MD) No.8137 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.8137 of 2025

V.Mathan

... Petitioner/6the Accused

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
CBCID - South, Nagercoil,
Kanniyakumari District.
(Crime No.1 of 2025)

... Respondent/Complainant

For Petitioner : Mr.G.Aravinthan
Advocate

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.Side)

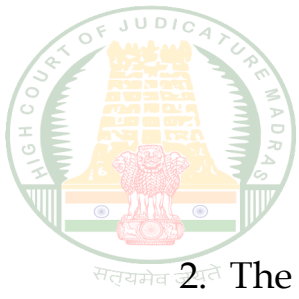
PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.1 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 petitioner on 28.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



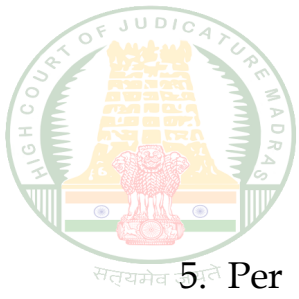
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2. The petitioner/A6 was arrested and remanded to judicial custody on 18.03.2025 for the offences punishable under Sections 316(4), 318(4), 335, 336(3), 337, 338, 339, 340, 61(2) and 238 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the Tamil Nadu Urban Habitat Development Board constructed 384 houses (apartments) for persons having an annual income below Rs.3,00,000/-, and the petitioner herein, who is working as an Assistant Executive Engineer, along with the other accused, received money from the allottees and illegally allotted houses to 69 unauthorised persons by creating forged documents and by forging the signature of the Administrative Engineer. Hence, the complaint.

4. Mr.G.Aravinthan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that a false case has been foisted against him. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and, to demonstrate his bona fide, he is willing to deposit a sum of Rs.5,00,000/-. He further submits that the petitioner has been in incarceration since 18.03.2025. Therefore, he prays for granting bail to the petitioner.



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5. Per contra, Mr.M.Karunanithi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner herein, along with the other accused, illegally conspired and received more than a sum of Rs.50,00,000/- from the general public by executing a fake document and allotment order. He further submits that if the petitioner is enlarged on bail, he may abscond, thereby causing delay in the investigation, and may also cause threat to the defacto complainant and witnesses and tamper with the evidence. Hence, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides and perused the records including the First Information Report.

7. The petitioner was arrested on 18.03.2025 and has been in judicial custody since then. In view of the offences allegedly committed by the petitioner, and considering the fact that the petitioner has undertaken to deposit a sum of Rs.5,00,000/-, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, 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 the



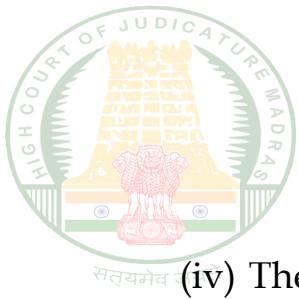
following conditions:

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(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 Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District;

(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.I, Nagercoil, Kanniyakumari District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only), as agreed above, to the credit of Crime No.1 of 2025 before the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District, without prejudice to his rights and contentions before the Trial Court, within a period of 30 days from the date of receipt of a copy of this order and produce the receipt/acknowledgment before the concerned Judicial Magistrate. Upon such deposit, the concerned Magistrate shall deposit the said amount in a fixed deposit scheme in any one of the Nationalized Banks for a period of one year, and thereafter, renew the same until the conclusion of the trial. The Trial Court shall pass an order qua entitlement of the said amount in its final order/judgment;



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(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Nagercoil, Kanniyakumari District;

(v) The petitioner shall appear and sign before the respondent -police daily at 10.30 am until further orders;

(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 No.I, Nagercoil, Kanniyakumari District, 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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sd/-
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02/05/2025

Sub-Assistant Registrar (PA-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
To

1. The Judicial Magistrate No.I, Nagercoil, Kanniyakumari District,
2. Do-Through The Chief Judicial Magistrate, Kanyakumari District at Nagercoil.
3. The Officer-in-Charge, Sub Jail, Nagercoil, Kanniyakumari.
4. The Inspector of Police,
CBCID - South, Nagercoil, Kanniyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.ALAN LEGAL CONSULTANCY, Advocate (SR-5253[I] dated 30/04/2025)

ORDER
IN
CRL OP(MD) No.8137 of 2025
Date :30/04/2025



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NBF/SAR/02.05.2025 7P/7C

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

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