



CRL OP(MD). No.8704 of 2025

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

Date : 22.05.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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P.Thanapalan,
S/o.R.Palani

...Petitioner / Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Aravakurichi Police Station,
Karur District.
(Crime No.93 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.T.Joshua,
Advocate.

For Respondent :Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.93 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner / accused no.1, who was arrested and remanded to judicial custody on 04.04.2025 for the offences under Sections 296(b), 316(2), 318(4), 336(3), and 351(3) of the Bharatiya Nyaya Sanhita, 2023, read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.93 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant became acquainted with A1, as he was a regular customer at her E-Seva Centre. Upon learning that A1 was a real-estate broker, the defacto complainant expressed her interest in purchasing a house through him. In furtherance of the same, she paid an advance amount of approximately Rs. 12,00,000/- (Rupees Twelve Lakhs only). On 13.06.2024, the defacto complainant prepared a sale deed and sent it to A1 for registration of the property in her name. However, no response was received from him. When the defacto complainant demanded the return of the advance amount, A1 stated that he had handed the money over to A2. Despite repeated requests, A1 refunded only a sum of Rs. 67,763/-. For the balance amount of Rs.11,32,217/-, A1 issued a cheque. However, the said cheque was dishonoured upon presentation. When the defacto complainant again requested that the remaining amount be



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returned in cash, A1 threatened her not to pursue the matter further. Hence, the
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case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that the defacto complainant already filed an another case against the petitioner in S.T.C. No.28 of 2025 before the learned District Munsif-cum-Judicial Magistrate, Aravakurichi for the offence under Sections 138 and 142 of the Negotiable Instruments Act, 1881. He would further submit that the petitioner is in custody from 04.04.2025. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He would further submit that the petitioner had already filed a bail application before the Vacation Sessions Judge, Karur in Crl.M.P. No.4 of 2025, and the same was dismissed on 09.05.2025. He would further submit that the cheated amount has not been recovered and investigation in this case has not been completed. He, however, would submit that the investigation in this case is still pending and that, at this stage, if bail is granted to the petitioner, he will abscond and tamper with the evidence. He, therefore, opposes the grant of bail to the petitioner.



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5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of learned District Munsif-cum-Judicial Magistrate, Aravakurichi and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of thirty (30) days, and thereafter, shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

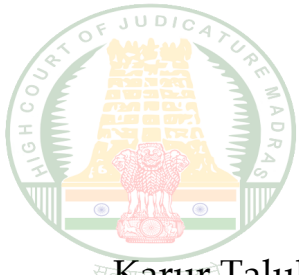
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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The District Munsif-cum-Judicial Magistrate,
Aravakurichi.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Officer-in-Charge,
Sub-Jail,



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Karur Taluk and District.

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4. The Inspector of Police,
Aravakurichi Police Station,
Karur District.

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

ORDER

IN

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Date :22/05/2025

HPS/23.05.2025 /6P/6C

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