



CRL OP(MD)No.9434 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.9434 of 2025

Balamurugan

...Petitioner/ Accused No.5

Vs.

State of Tamilnadu rep. by,
The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.12 of 2023)

... Respondent/ Complainant

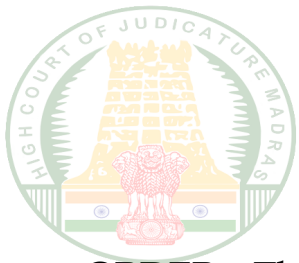
For Petitioner : Mr.D.Muthupandi
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 420, 465, 468 of IPC, in Crime No.12 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an ITI graduate and he is working as a mason. The Accused No.6 introduced the defacto complainant to the Accused Nos.1 & 2, informing them that they are influential persons and can arrange a Government job to him. Accused No.1 has demanded Rs.10,00,000/- to arrange a job to the defacto complainant and the defacto complainant has also paid a sum of Rs.10,00,000/- to the Accused Nos.1 and 2 on various dates from 05.07.2021 to 13.09.2021, directly and through Google Pay. Further, the defacto complainant has handed over original documents to the Accused No.4 and the petitioner/Accused No.5 for verification. But the accused persons neither arranged a job nor paid the amount to the defacto complainant. Hence, the defacto complainant has filed a complaint under Section 156(3) of Cr.P.C. before the Judicial Magistrate Court No.II, Virudhunagr and the same was forwarded to the police for investigation in CrI.M.P.No.2963 of 2023 on 12.04.2023. Hence, a case has been registered.



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3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not been involved in any money transaction between other accused persons and the defacto complainant and has been implicated in the case with malafied intention. He would further submit that this is the second anticipatory application. Earlier, the petitioner had filed an anticipatory petition in Crl.O.P(MD)No.19228 of 2023 and the same was dismissed on 01.11.2023. He further submits that Accused Nos.3 & 4 were already granted anticipatory bail by this Court in Crl.O.P(MD)No.18465 of 2023, on 13.10.2023. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submits that there are totally seven accused in this case and the petitioner is arrayed as Accused No.5. This is the second anticipatory application. The petitioner and other accused persons insisted the defacto complainant to get Government job and received a sum of Rs.10,00,000/-, thereby, they have cheated the defacto complainant and refused to return the money and the original documents. He would further submit that Accused Nos.3 and 4 were already granted anticipatory bail by this Court in Crl.O.P (MD)No.18465 of 2023, on 13.10.2023, and Accused No.7 was surrendered before the Magistrate Court and also released on bail. Accused Nos.1, 2 and 6 are still absconding and hence he objected to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that Accused Nos.3 and 4 were already granted anticipatory bail by this Court, and that as the date of registration of F.I.R. is 01.08.2023, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and 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 furnish his residential address and contact number to the learned Judicial Magistrate No.II, Virudhunagar. In the event of any change in



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his residential address, the petitioner shall report the same to the learned Judicial
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Magistrate No.II, Virudhunagar;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m.
until further orders;

(d) the petitioner shall not tamper with evidence or witness either during
investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]* and;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered
under Section 269 of BNS, 2023.

Sd/-

07.07.2025

// True Copy //

/ /2025

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court



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TO

- 1.The Judicial Magistrate No.II,
Virudhunagar
 2. To Through: The Chief Judicial Magistrate,
Virudhunagar District.
 - 3.The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.12 of 2023)
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s. D. MUTHUPANDI, Advocate(SR- 7225 [I] dated 08/ 07/2025)

ORDER
IN
CRL OP(MD)No.9434 of 2025
Date : 07/07/2025

RA - (23.07.2025) 6P/ 6 C

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