



CRL.OP(MD).No.12070 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.12070 of 2024

Sathish

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No.14 of 2024)

... Respondent / Complainant

PRAYER :- The 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.14 of 2024 on the file of the respondent-police.

For Petitioner : Mr.K.Sivabalan
Advocate
for R.Venkatesalu,
Advocate.

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

For Intervener : Mr.Ayyanar Prem Kumar.S,
Advocate



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 26.07.2024 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 417 and 420 of IPC, in Crime No.14 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner approached the defacto complainant for an investment in the share market and received a sum of Rs. 40 lakhs. Initially, he returned Rs.10 lakhs as profit to the defacto complainant. However, thereafter, he failed to return any further amount. Consequently, the defacto complainant lodged a complaint with the Superintendent of Police, which was forwarded to the Cyber Crime Department. During the investigation, the petitioner repaid a sum of Rs. 6,93,000/- in December 2022 and assured to return the remaining balance. Despite his assurance, the petitioner failed to repay the balance amount of Rs. 23,07,000/- and has allegedly cheated the defacto complainant for the past 16 months. Hence, the case.

4. Mr.K.Sivabalan, the learned counsel appearing for Mr.R.Venkatesalu, the learned counsel for the petitioner, submits that the petitioner is an innocent person



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and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has paid a sum of Rs.1 lakh before the Mediation Centre. He further submits that the petitioner has paid a sum of Rs.16,93,000/-. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there was a money dispute between the accused person and the defacto complainant. He therefore 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. Mr.Ayyanar Prem Kumar. S, the learned counsel for the intervener, submits that the remaining amount is liable to be paid by the petitioner to the defacto complainant. Hence, he prays for the dismissal of this Criminal Original Petition.

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

8. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also



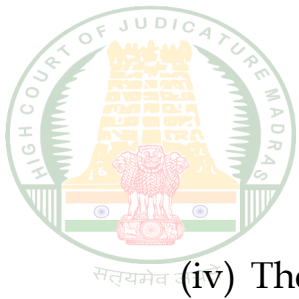
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considering the facts and circumstances of the case, this Court is of the opinion that
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custodial interrogation of the petitioner is not necessary in this case. Hence, this Court does incline to grant an order of pre-arrest bail to the petitioner, however subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate Court No.II, Ramanathapuram District, 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate Court No.II, Ramanathapuram 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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) 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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(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

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

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

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, 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 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.

sd/-
02/04/2025

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/04/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1. THE JUDICIAL MAGISTRATE,
NO. II, RAMANATHAPURAM DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VENKATESALU.R Advocate SR.No.3832 DT.03/04/2025

ORDER IN
CRL OP(MD) No.12070 of 2024
Date :02/04/2025

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