



CRL OP(MD).No.11741 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.11741 of 2025
and
CRL MP(MD).No.9526 of 2025

K.Ganapathi Raja,
S/o.Kamaraj Nadar

.. Petitioner/ A1

Vs

The State of Tamilnadu
rep.by The Sub Inspector of Police,
CCB Unit - III,
Madurai City.
(Crime No.16 of 2025)

.. Respondent/ Complainant

For Petitioner : Mr.N.Thamimulansari,
Advocate

For Respondent : Mr.Thanga Aravindh.B,
Government Advocate (Crl.Side)



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For Intervenor : Mr.G.Arunprasath,
WEB COPY Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.16 of 2025 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 03.06.2025 for the offences punishable under Sections 3(5) and 318(4) of BNS, 2023 in Crime No.16 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant, who is a practising advocate, was introduced to the petitioner through one Yadvik. The petitioner approached the de-facto complainant, representing that he had mortgaged certain properties situated in Thirumangalam and Alanganallur, Madurai, and, in order to redeem the same, requested a sum of Rs.1,70,00,000/- from the de-facto complainant, assuring that he would repay the amount within two months. Based on this assurance, the de-facto complainant paid the said amount partly through bank transfer and partly in cash. Thereafter, the petitioner repaid a sum of Rs.1,10,00,000/-, but failed to return the remaining amount. Subsequently, he requested an additional sum of Rs.40,00,000/- and Rs.10,00,000/-, claiming that he



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was setting up a departmental store business and would repay the total amount shortly. Later, on 08.01.2025, the petitioner, along with his wife, foster father, and mother, induced the de-facto complainant to pay another sum of Rs.20,00,000/-, offering to mortgage another property and settle the total dues of Rs.1,30,00,000/- in one instalment. However, it is alleged that the petitioner, along with his family members, misappropriated the funds of the de-facto complainant under false assurances and failed to repay the same. Hence, the present case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. In fact, the de-facto complainant introduced himself as a Legal Advisor for several finance companies and in that capacity, he facilitated loans for the petitioner through various third parties. At the time of availing such financial assistance, the de-facto complainant demanded blank signed papers and other documents as security, and the petitioner and his family members were compelled to provide the same. He submitted that the de-facto complainant charged exorbitant interest and misused the blank papers to fabricate a false complaint, with an intention to grab the valuable property of the petitioner. He also submitted that the de-facto complainant acted merely as a middleman in arranging the loans, and no loan amount was



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transferred from the de-facto complainant's personal bank account to the petitioner's account. The loans arranged by the de-facto complainant from private finance companies have been regularly repaid by the petitioner. He further submitted that A2 and A3 were arrested and subsequently released on bail by the concerned Judicial Magistrate, and A4 has been granted anticipatory bail by the learned Principal Sessions Judge, Madurai on 09.06.2025 in CrI.M.P.No.2314 of 2025. He, however, submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. He also submitted that the petitioner has been in custody from 03.06.2025. Hence, he seeks bail for the petitioner.

4. The learned counsel for the intervenor submitted that the petitioner is a habitual offender, with more than seven previous cases registered against him. He submitted that the de-facto complainant has approached the petitioner and his family members/A1 to A4, requesting them to repay the loan amount of Rs.1,30,00,000/-, but they did not take any steps to settle the same. The de-facto complainant had borrowed the said sum from various individuals in order to help the petitioner and his family members. As all the creditors began pressurising the de-facto complainant for repayment, he was left with no option but to mortgage his own property with Axis Bank, Madurai, for a sum of Rs.1,45,00,000/-, received the loan amount, and settled the creditors. Later, the de-facto complainant came to



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know that the accused persons had approached him only with an intention to cheat and swindle the amount of Rs.1,30,00,000/-. He further submitted that the investigation in this case is still at an initial stage and so far, no amount has been recovered from the petitioner. If the petitioner is released on bail, there is a possibility that he may tamper with witnesses and destroy evidence. Hence, he strongly opposed to grant bail to the petitioner.

5. The learned Government Advocate (Criminal Side) submitted that the petitioner has been arrayed as A1 in this case. A2 and A3 were arrested and subsequently released on bail. A4 has been granted anticipatory bail by the learned Principal Sessions Judge, Madurai on 09.06.2025 in CrI.M.P.No.2314 of 2025. He submitted that the petitioner, along with his family members, misappropriated the funds of the de-facto complainant under false assurances and failed to repay a sum of Rs.1,30,00,000/-. Hence, he opposed to grant bail to the petitioner.

6. Taking into consideration of the facts and circumstances of the case, and taking note of the fact that the petitioner was remanded to judicial custody on 03.06.2025, and that two of the co-accused were arrested and subsequently released on bail, and one of the co-accused has been granted anticipatory bail, and that the evidence are based on records and pertains to a monetary transaction between the parties, and that as the date of registration of FIR is 06.05.2025, by this time most of



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the investigation might have been completed, and also considering the period of incarceration already undergone by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on 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 the learned Judicial Magistrate No.I, Madurai and on further conditions that :-

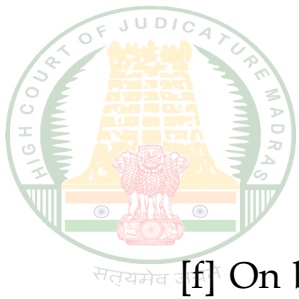
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.I, Madurai. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.I, Madurai;

[c] the petitioner shall appear and sign before the respondent police daily twice i.e. at 10.00 a.m. and 05.00 p.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

sd/-
29/07/2025

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/07/2025

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 Judicial Magistrate No.I,
Madurai.



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2. Do through the Chief Judicial Magistrate,
Madurai.

3. The Officer In Charge,
District Jail,
Virudhunagar.

4. The Sub Inspector of Police,
CCB Unit - III,
Madurai City.

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

ORDER
IN
CRL OP(MD) No.11741 of 2025
Date :29/07/2025

PS/SAR.30.07.2025 8P/6C

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