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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.22718 of 2024

&

CRL MP(MD)No.1620 of 2025

1.C.Pandiaraj

2.Deepa

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Bodinaickanur Rural Police Station,
Theni District.
Crime No.375 of 2024

... Respondent/ Complainant

For Petitioners : Mr.J.Lawrance, Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

For Intervenor : Ms.P.Krishnaveni, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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For Anticipatory Bail in Crime No.375 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 18.12.2024 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 406, 420, 465, 468 and 471 of Indian Penal Code, 1860 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners are husband and wife. The defacto complainant is the cousin of the first petitioner. The petitioners defrauded the defacto complainant and received a sum of Rs.6,00,000/- by making a false promise of getting him recruited to one of the Office Assistant Posts in High Court. They also gave a fake appointment order. When the defacto complainant came to know of this and asked for the repayment of the amount, the petitioners refused to repay and threatened him with dire consequences. Hence, the case.



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4. Mr.J.Lawrance, learned counsel appearing for the petitioners submits that the petitioners have been arrayed as accused falsely. The petitioners did not commit any offence as alleged by the prosecution. He further submits that the petitioners are also victims in the present case and they have also lodged two complaints against some other persons. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioners have lodged two complaints respectively against some other persons. He submits that the petitioners have no previous case. However, he prays for dismissal of this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including case diary.

7. It appears that the second petitioner has filed a complaint against one Balamurugan and others. Based on the said complaint, a case in Crime No.389 of 2023 was registered against the said persons under Sections 294(b), 506(ii) of Indian Penal Code, 1860 and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Based on the



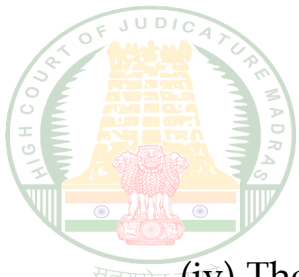
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complaint given by the first petitioner, FIR was registered in Crime No.21 of 2024 against one Balamurugan and three others under Sections 417, 468, 471 and 420, 120B of Indian Penal Code, 1860. The same are pending. The petitioners and the defacto complainant are relatives. The petitioners have no previous case. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the cumulative circumstances, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Theni, 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) each 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, Theni.

(ii) Thereafter, the petitioners shall appear and sign before the respondent - Police weekly twice i.e., on Monday and Saturday at 10.00 until further orders;

(iii) 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;



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(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Theni.

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
10/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI



TO
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- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE,
BODINAICKANUR RURAL POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO Mr.J.Lawrance, ADVOCATE, SR.NO.8886[F], Dated 12.02.2025

ORDER
IN

CRL OP(MD) No.22718 of 2024
Date :10/02/2025

ES/SKN/SAR /25.02.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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