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Crl.O.P.No.22564 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22564 of 2024

Kavitha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No. 244 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 244 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.09.2024, for the alleged offence punishable under Section 108 of BNS



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Act, 2023 in Crime No. 244 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the mother of the defacto complainant had borrowed a loan from the petitioner. On 20.08.2024, at about 8.30 p.m, the neighbour of the defacto complainant informed over the phone that the petitioner was shouting outside his house. As a result, the defacto complainant knocked the door inside his house and committed suicide in the kitchen using a saree. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. She has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 20 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant had borrowed a



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loan from the petitioner and did not repay it. On the date of the alleged occurrence, when she asked to repay the money, due to which, the defacto complainant committed suicide by hanging herself in her house with a saree. He further submits that there is no previous case, pending against her. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence, and there is a money dispute between the deceased and the petitioner, and there is no previous case pending against the petitioner, and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 Judicial



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Magistrate, Kumarapalayam, and on further conditions that:-

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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;

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

[e] On breach of any of the aforesaid conditions, the learned Judicial 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



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.09.2024

drl

To

- 1.The Judicial Magistrate,
Kumarapalayam.
- 2.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
- 3.The Superintendent,
Women Wing, Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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