



WEB COPY



Crl.OP.No.2758 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2758 of 2025

E.Kamala

... Petitioner

Vs.

State by Tamil Nadu,
The Inspector of Police,
Gingee Police Station,
Gingee.

... Respondent

(Crime No.619 of 2024)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail on event of arrest in Crime No.619 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.N.Kathir

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under section 194 (3) of BNSS Act r/w 108 of BNS Act in Crime No.619 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had an illicit



relationship with A1, who was the husband of the deceased; that A1 had caused cruelty to the deceased on account of dowry; that A1, having illegal intimacy with the petitioner, assaulted the deceased; and that the deceased committed suicide. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner has nothing to do with the alleged offence in the FIR; and that even as per the prosecution case the deceased committed suicide because of the alleged harassment of A1; and the petitioner has no communication with the deceased; and that in any case, the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police per contra submitted the petitioner was in illicit relationship with A1; and on account of the same, A1 caused cruelty to the deceased ; and on account of the same, the deceased got depressed and committed suicide. Hence, he opposed for granting anticipatory bail to the petitioner.



WEB COPY

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Admittedly, the petitioner has no direct communication with the deceased and the allegations are mainly against A1; and even if the allegations that the petitioner had illicit relationship with the A1 is accepted to be true, the allegations prima facie would not constitute the offences alleged against the petitioner; and that in any case the custodial interrogation of the petitioner is not required for the purpose of investigation, and is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate, Gingee**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 said

Magistrate, on further condition 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 report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [e] 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***



WEB COPY



CrI.OP.No.2758 of 2025

of Kerala reported in [(2005)AIR SCW 5560];

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

06.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
dpa

SUNDER MOHAN, J.

dpa

To

1.The Inspector of Police,
Gingee Police Station,
Gingee.

Page No.5 of 6



CrI.OP.No.2758 of 2025

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The Judicial Magistrate,
Gingee.

CrI.OP.No.2758 of 2025

06.02.2025