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Crl.O.P.No.2569 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2569 of 2025

Jenifer Sowndarya

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.
(Crime No.273 of 2014).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in C.C.No.168 of 2014 in connection with Crime No.273 of 2014, pending on the file of the learned Judicial Magistrate No.7, Coimbatore.

For Petitioner : Mr. S. Thirukkumaran

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.Side)



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ORDER

Petition seeking bail in respect of arrest of the petitioner, pursuant to the non-bailable warrant issued against her on 17.05.2024 in C.C.No.168 of 2014 pending on the file of the learned Judicial Magistrate No.7, Coimbatore in connection with Crime No.273 of 2014.

2. Learned counsel appearing for the petitioner submits that the above said Crime Number was taken on record by the learned Judicial Magistrate No.7, Coimbatore in C.C.No.168 of 2014. Since, the petitioner did not appear for the trial and for making amicable settlement, on account of her illness, the learned Judicial Magistrate No.7, Coimbatore had issued NBW against the petitioner on 17.05.2024. Subsequently, the respondent police arrested the petitioner and remanded her to judicial custody on 28.11.2024, on execution of the said NBW issued by the learned Judicial Magistrate No.7, Coimbatore. He further submitted that the petitioner is innocent and she has been falsely implicated in this case and has not committed any offence as alleged by the prosecution. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and to appear and co-operate for the Trial, therefore, prayed to grant bail to the



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petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for granting of bail to the petitioner submitted that the petitioner has been arrayed as an accused/ A2 in Crime No.273 of 2014 for the offences under Sections 353 and 506(ii) of IPC and the same has been taken on record by the learned Judicial Magistrate No.7, Coimbatore. He also submitted that, since the petitioner had not appeared before the Trial Court, NBW was issued against the petitioner on 17.05.2024. Hence the respondent police arrested and remanded the petitioner to judicial custody on 28.11.2024 on execution of NBW. He also submitted that at the time of execution of NBW, the petitioner prevented the defacto complainant, who is the Sub-Inspector of Police from discharging her duty and also threatened with dire consequences.

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



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6. Taking into consideration the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.7, Coimbatore** 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 appear before the learned **Judicial Magistrate No.7, Coimabto**re on all working days at **10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Trial Judge;**

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



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[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 of Kerala [(2005)AIR SCW 5560]***;

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

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SUNDER MOHAN, J.

stn

To

1. The Judicial Magistrate No.7,
Coimbatore.
2. The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore.
3. The Superintendent,
Central Prisons, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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