



Crl.O.P.No.2442 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.2442 of 2025

Dharshana

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Podanur Police Station,
Coimbatore.
(Crime No.271 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.271 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. S. Selvakumar

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



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ORDER

Petition seeking bail in respect of Crime No.271 of 2024 registered for the alleged offences punishable under Sections 316(2) and 318(4) of BNS, is on board for consideration.

2. The case of the prosecution is that, the petitioner had approached the defacto complainant and his wife, when they intended to sell their property, made false representation to them that she will obtain patta, chitta and sell their property, thereby received a sum of Rs.1,55,000/- through various transactions and cheated them. Hence, this case.

3. Learned counsel appearing for the petitioner submits 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 has been arrested and remanded to judicial custody on 18.12.2024. 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 investigation, therefore, prayed to grant bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for granting of bail to the petitioner submitted that the petitioner induced the defacto complainant that, she will obtain patta, chitta and sell the defacto complainant's at higher price, thereby received a sum of Rs.1,55,000/- and subsequently cheated the defacto complainant. He also submitted that the petitioner has three previous cases of similar nature and the case is under investigation.

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. Taking into consideration the facts and circumstances of the case, the nature of offence alleged, the submissions made by the learned counsels on either side, considering the period of incarceration and since further custody of the petitioner is not required for the purpose of investigation, 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



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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 District Munsif-Cum-Judicial Magistrate, Madukkarai** 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 report before the respondent Police on every Monday and Thursday 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



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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.

03.02.2025

stn

To

1. The District Munsif-cum-Judicial Magistrate,
Madukkarai.
2. The Inspector of Police,
Podanur Police Station,
Coimbatore.
3. The Superintendent,
Special Prison for Women, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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