



CrI.O.P.No.3277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3277 of 2025

Kavitha S

Petitioner(s)

Vs

State rep. by
The Inspector of Police,
Moolanur Police Station,
Tiruppur District
(Crime. No. 23 of 2025)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on bail in the event of her arrest in Crime No. 23 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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



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ORDER

Apprehending arrest in connection with Crime No.23 of 2025 registered for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of The Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of the Prohibition of Harassment of Women Act, 2002, the present petition has been filed by the petitioner seeking anticipatory bail.

2. It is the case of the prosecution that on 28.01.2025 at 08.00 a.m., when the defacto complainant was alone at her house, her husband came there along with the petitioner and questioned her due to a prior dispute; that there was a wordy quarrel between them; that the petitioner had abused the defacto complainant and assaulted her with hands and also threatened her with dire consequences; that she sustained injury. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that she would abide by any condition that may be imposed by this court. Hence, custodial interrogation of the petitioner is not



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required and prayed for the grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and on instructions submitted that during the wordy quarrel, the incident was happened, due to which, the defacto complainant sustained injury: that she was hospitalised; that now the injured got discharged from the hospital after taking treatment and that there is no previous case pending against her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the aforesaid facts, the nature of allegation, the injured is discharged from the hospital; that there is no previous case pending against the petitioner and that since his custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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Accordingly, she is ordered to be released on bail in the event of arrest or on

her appearance within a period of fifteen days from the date of receipt of a

copy of this order, before the learned **Judicial Magistrate, Dharapuram** on

condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest

or to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner and 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

10.02.2025

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To

- 1.Judicial Magistrate, Dharapuram.
2. The Inspector Of Police, Moolanur Police Station, Tiruppur Dt.
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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