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Crl.O.P.No.3925 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3925 of 2025

Malliga

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
(Crime No.36 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.36 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Parameswaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.02.2025, seeking bail in Crime No.36 of 2025 registered for the offence under Section 123 of BNS Act 2023 @ Sections 123, 296(b), 109 of BNS Act,



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2023 (328 of I.P.C. @ 328, 294, 307 of IPC).

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2. The case of the prosecution is that the petitioner is the mother of the victim; that the victim had a love affair, which was opposed to by the petitioner; that the victim did not heed the petitioner's request to sever her relationship with her lover and the enraged petitioner is said to have mixed rat poison in the food which was served to the victim. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is in custody from 01.02.2025 and her further custody is not required, and now the victim has been discharged from the hospital. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the bail petition, reiterated the prosecution case and on instructions, confirmed that the victim has been discharged from the hospital.

5. Heard the learned counsel appearing for the petitioner and the



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

6. Considering the nature of allegations, period of incarceration, the fact that the victim has been discharged from the hospital and since further custody 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 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, Sankarapuram.**

[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



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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 B.N.S.

17.02.2025

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SUNDER MOHAN., J.

ars

To

1. The Judicial Magistrate,
Sankarapuram.
2. The Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
3. The Superintendent,
Women Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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