



Crl.O.P.Nos. 5695 & 5727 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos. 5695 & 5727 of 2025

Kathija Begam ... Petitioners in Crl.O.P.No.5695 of 2025

M.Pavithra Petitioners in Crl.O.P.No.5727 of 2025
Vs.

The State represented by,
The Inspector of Police,
Molasi Police Station,
Namakkal District.
(Crime No.113 of 2024).

.... Respondent in both OPs

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.113 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.S.Saravanan

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

COMMON ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 07.02.2025, seeking bail in Crime No.113 of 2024 registered for the offence under Sections 194 BNSS (174 Cr.P.C) @ 61(2), 3(5), 103(1), 238 of BNS, 2023 [120B, 34, 302, 201 of IPC]



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2. The case of the prosecution is that A1 is the brother of the deceased and that the petitioner/A3 in Crl.O.P.No.5727 of 2025 is the wife of A1 and the petitioner/A4 in Crl.O.P.No.5695 of 2025 is the friend of A1 and that since the deceased had illicit intimacy with another person, A1 conspired with other accused had caused the death of the deceased in order to get the share of the property belonging to the deceased. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that they are ladies and the overt act attributed to them is that they were standing outside the house and they had nothing to do with the alleged offence. He further submitted that the petitioners are in custody from 07.02.2025 and further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and confirms the fact that petitioner/A3 in Crl.O.P.No.5727 of 2025 is the wife of A1 and the petitioner/A4 in Crl.O.P.No.5695 of 2025 is the friend of A1 and that they were standing outside the house when the occurrence took place. He further submitted that the petitioners have no previous cases.



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

6. Considering, the nature of allegation against the petitioner; period of incarceration; there is no previous cases against them and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their 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, Kumarapalayam** 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 petitioners shall report before the respondent police on every Monday and Thursday at 10.30 a.m., until further orders;



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To
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1. Judicial Magistrate, Kumarapalayam.
2. The Inspector of Police,
Molasi Police Station,
Namakkal District.
3. The Superintendent,
Central Prison(Women Wing), Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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