



WEB COPY



CrI.O.P.No.8185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.8185 of 2025

P. Malleswari

... Petitioner/ Accused No.1

Vs.

State Rep. By,
The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Crime No.45 of 2025)

... 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.45 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. D. Balaji

For Respondent : Mr. J. R. Archana
Government Advocate (CrI. Side)



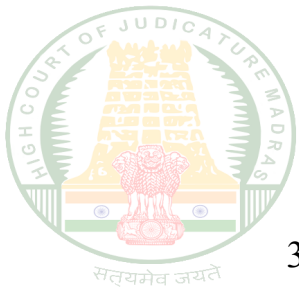
CrI.O.P.No.8185 of 2025

WEB COPY

ORDER

Petition seeking bail in respect of Crime No.45 of 2025 registered for the alleged offences punishable under Sections 296(b), 316(2), 318(4) and 351(2) of BNS, is on board for consideration.

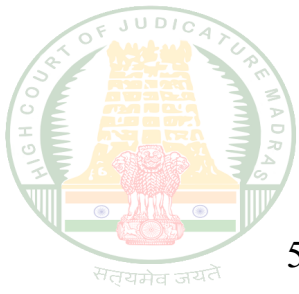
2. The case of the prosecution is that the petitioner is the owner of the land measuring 2190 square feet in S.No.381/ 174 at Kabali Nagar of Guduvancherry; that the defacto complainant for the purchase of the said land from the petitioner, entered into a sale consideration for a sum of Rs.75 lakhs; that the petitioner received a sum of Rs.33 lakhs as advance; that on 22.06.2023, both the petitioner and the defacto complainant went to the office of the SRO, Guduvancherry for registering the aforesaid land; that the registration was refused by the Registrar concerned stating that the petitioner has no title to the property; that thereafter, the petitioner had returned only a sum of Rs.13,00,000/- and failed to repay the balance amount of Rs.20,00,000/-. Hence, this case.



WEB COPY

3. The 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; that it is the case of breach of promise; that the petitioner had informed the defacto complainant that she would rectify the defects and execute the sale deed in favour of the defacto complainant; and that instead of filing Civil Suit, the petitioner had approached the respondent police in order to give criminal colour to the civil dispute; that the petitioner has been arrested and remanded to judicial custody on 06.02.2025; and that the petitioner is ready to deposit a sum of Rs.10,00,000/- to the credit of Crime No.45 of 2025 and prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that the petitioner had received a sum of Rs.33 lakhs from the defacto complainant, out of which Rs.25 lakhs was transferred by the defacto complainant through bank transactions; that thereafter, the petitioner only returned Rs.13 lakhs and failed to return back Rs.20 lakhs; and that the investigation is pending.



WEB COPY

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side; that the petitioner offered to deposit a sum of Rs.10,00,000/- to the credit of Crime No.45 of 2025, the period of incarceration undergone by the petitioner 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.

6. 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 Principal District and Sessions Court Kancheepuram, Kancheepuram District** and on further conditions that:

[a] the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of Crime No.45 of 2025 before the learned Magistrate concerned and on such deposit, the defacto complainant is permitted to withdraw the same, by making necessary application and production of valid proof before the learned Magistrate concerned.



WEB COPY

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 10:30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;



WEB COPY



CrI.O.P.No.8185 of 2025

SUNDER MOHAN, J.

stn

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

20.03.2025

stn

To

1. The Principal District and Sessions Court Kancheepuram,
Kancheepuram District.
2. The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Crime No.45 of 2025)
3. The Superintendent,
Special Prison for Women Vellore.
4. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No. 8185 of 2025