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Crl.O.P.No.8225 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.8225 of 2025

Ezhilarasi, (Aged 43 years)
W/o. Rajan

....Petitioner/ Accused

Vs

State represented by
The Inspector of Police,
Arakkonam Railway Police Station-II
Arakkonam, Ranipet District.
(Crime No.37 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory
bail in the event of her arrest **in Crime No.37 of 2025**, on the file of the
respondent police.

For Petitioner : Mr. Gopalakrishnan, B.

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



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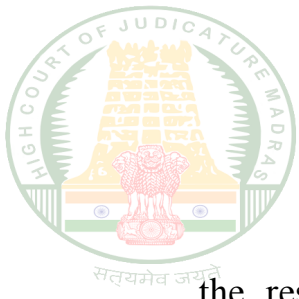
ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS Act, in Crime No.37 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had committed a theft of jewels of the defacto complainant and on his confession it was revealed that it was handed over to the petitioner, who is the mother of the of the first accused.

3. The learned counsel appearing for the petitioner would submit that the allegations against the petitioner are false; that the petitioner is sought to be implicated only on the confession of her son, which is false and considering the fact that the petitioner has no bad antecedents and in any event custodial interrogation of the petitioner is not required, he sought for anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and also filed a counter affidavit. According to the counter affidavit of the respondent, the first accused had handed over a necklace weighing 1.5 sovereigns to the petitioner; that the petitioner had not been arrested so far and she is implicated only on the confession of the co-accused.

5. Considering the aforesaid facts, the fact that the petitioner has no bad antecedents and impleaded on the confession of the co-accused, the custodial interrogation of the petitioner is not required for investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner 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 on which the order copy made ready, before **the learned Judicial Magistrate II, Arakkonam**, 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 learned

Magistrate concerned, failing which, the petition for anticipatory bail shall

stand dismissed and 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 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



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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.

24.03.2025

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SUNDER MOHAN, J.

bga

To

1. The Judicial Magistrate II, Arakkonam
2. The Inspector of Police,
Arakkonam Railway Police Station-II
Arakkonam, Ranipet District.
(Crime No.37 of 2025)
3. The Public Prosecutor, High Court, Madras.

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