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CrI.O.P.No. 15253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No. 15253 of 2025

Sumithra

... Petitioner

Vs.

State rep. by
Station House Officer,
Grand Bazar Police Station,
Puducherry
Crime No. 37 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the accused/petitioner on bail pending investigation in Crime No. 37 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

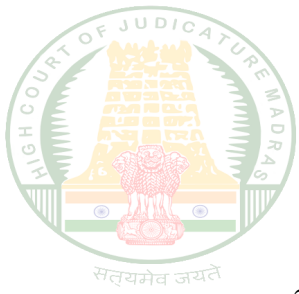
The petitioner, who was arrested on 19.02.2025, for the offence punishable under Sections 191(2), 191(3), 140(1), 127(2), 118(1), 103(2) of BNS & 49 of BNS r/w 190 of BNS 2023 in connection with Crime No. 37 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the accused Sathya and his associates, in furtherance of their common intention, abducted the deceased persons (1) Rasi, (2) Deva @ Devakumar, and (3) Athi @ Adithya —and took them to a dilapidated house located at 7th Cross, Rainbow Nagar. There, they were brutally assaulted using wooden logs and sharp-edged weapons, targeting their neck, hands, and legs. Rasi and Deva died on the spot due to the injuries sustained. Athi was found unconscious and admitted to GH, Puducherry, at 9:40 a.m., where he later succumbed to injuries at 10:50 a.m. The prosecution alleges that the offence was committed due to prior enmity. The petitioner, Sumithra, is alleged to have been living with the main accused Sathya and was present during the abduction. She is said to have encouraged Sathya not to release the victims. It is further alleged that she provided fresh clothes to the accused after the murder, transferred Rs.1,000 via GPay to a number given by Sathya for post-offence expenses, and communicated with him through multiple phones. Additionally, prior to the offence, she had hired a singer named Anburaj to glorify Sathya through songs which were shared on Instagram.



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3. The learned counsel for the petitioner submits that the petitioner is innocent and has no connection with the alleged offences. It is further submitted that the petitioner is seven months pregnant and has been in custody from 19.02.2025. Given her health condition and her willingness to abide by any conditions that may be imposed by this Court, the learned counsel prays that the petitioner be enlarged on bail.

4. The learned Public Prosecutor (Puduchery) appearing for the respondent submits that the offences involved are grave, resulting in the murder of three individuals, causing public panic. It is submitted that the petitioner, being the mistress of the main accused Sathya, played an active role in abetting the crime and assisting the accused after the commission of the offence. It is further submitted that the petitioner was in continuous contact with the accused, provided logistical support, and even glorified him through social media prior to the crime. The investigation is still in progress, and if bail is granted, there is every possibility that the petitioner may tamper with witnesses or abscond. Hence, the learned Public Prosecutor (Puduchery) strongly opposes the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, 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 his executing 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 learned **Judicial Magistrate II, Puducherry** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall stay at Yanam and report before the Station House Officer, Yanam, Puducherry, everyday at 10.30 a.m. and 5.00 p.m., until further orders;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

01.07.2025

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate II, Puducherry.
2. Station House Officer,

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Grand Bazar Police Station,
Puducherry

3. The Superintendent,
Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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