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Crl.O.P.No.18725 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18725 of 2025

Kavitha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palavanthangal Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in P.R.C.No.19 of 2012 in connection with Crime No.456 of 2011 on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.04.2025 pursuant to a non-bailable warrant issued in P.R.C.No.19 of 2012 on the file of the learned Judicial Magistrate No.I, Alandur, in connection with Crime No. 456 of 2011 registered for the offences punishable under Sections 302 & 308 IPC, seeks bail.

2. On 01.07.2025, the learned counsel appearing for the petitioner submitted



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that the petitioner was not aware of the case and never called for enquiry. It was further submitted that the petitioner's husband had passed away 10 years ago. However, both the petitioner and her husband had been shown as A1 and A2 in this case. Since the prosecution contended that A1 was still absconding, but the petitioner asserted his death, this Court granted short accommodation to the learned counsel for the petitioner to produce the details and proof of A1's death.

3. On 10.07.2025, the petitioner was directed to approach the trial Court to obtain directions to the Police and Revenue Authorities to secure A1's death certificate. Subsequently, on 30.07.2025, further time was sought by the learned counsel for the petitioner to produce the memo filed by him before the committal court. This Court then directed the respondent to verify the death of A1 through the Revenue Authorities and confirm the same.

4. Today, the learned Government Advocate (Criminal Side) submitted that as per the records, the petitioner's husband/A1 is shown as absconding and the case has been pending committal from the year 2012. He further submitted that the petitioner has not furnished correct particulars regarding their place of residence or the burial ground, therefore, the respondent is unable to comply with the order dated 30.07.2025.

5. From the above adjudications, it is evident that there is uncertainty regarding the alleged disappearance of the petitioner's husband/A1. Further, the



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petitioner has not disclosed the correct address of their residence, whether at Musiri or Namakkal, nor the details of the burial ground where A1 was allegedly cremated.

6. In view of the above, this Court is of the opinion that the non-furnishing of such particulars has prevented the respondent Police from proceeding further. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

06.08.2025

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To

1. The Judicial Magistrate,
Alandur.
2. The Inspector of Police,
Palavanthangal Police Station,
Chennai.
3. The Superintendent,
Central Women Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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