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Crl.O.P.No.27489 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.27489 of 2025

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... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.184 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
PRC.No.11 of 2024 on the file of the learned District Munsif-cum-Judicial
Magistrate, Edapadi.

For Petitioner : Mr.S.Baharanidharan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



ORDER

The petitioner, who was arrested and remanded to judicial custody on **23.04.2025** for the alleged offences punishable under Sections 103(1) of BNS, in **Crime No.184 of 2025** on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner is a relative of the deceased. The petitioner, on the date of occurrence, with a view to commit rape on the deceased, took the defacto complainant's brother, who stayed in the house with the deceased, out of the house and insisted him to consume liquor in a far off place. It is alleged that the petitioner left the defacto complainant's brother in that place, saying that he would return after some time. Since the petitioner did not come to pick up the defacto complainant's brother, he slept in the very same place. It is further alleged that subsequently, the petitioner returned to the house of the deceased at about 1.00 a.m midnight and trespassed into her house with an intention to commit rape on her and deceased resisted the petition hence, he murdered her by strangulation. Hence, the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner is in custody and also final report filed in this case. He further submitted that he has been falsely implicated in this case and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reported that the petitioner herein was arrested on 23.04.2025 and there are witnesses, who had seen the accused, entering the house in the midnight and also the other connected materials to prove the act of the accused herein. He further submitted that the final report filed was taken on file in PRC.No.11 of 2025 and committal yet to be posted for appearance before the Sessions Court. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the fact that the case has been awaiting committal, the petitioner is custody from 23.04.2025 and the petitioner has no antecedents, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif-cum-Judicial Magistrate, Edapadi** 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 Cuddalore and report before the Cuddalore Town Police daily at 10.30 a.m., for a period of two months except the hearing dates of PRC.No.11 of 2025 and the petitioner shall also appear before the concerned Committal Court on all the hearing dates, without fail;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in



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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]**;

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

07.10.2025

dna

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.



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K.RAJASEKAR, J.
dna

To

1.The District Munsif-cum-Judicial Magistrate, Edapadi.

2.The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.184 of 2025)

3.The Superintendent,
Central Prison,
Salem.

4.The Public Prosecutor
High Court of Madras,
Chennai 600 104.

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