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Crl.O.P.No.26966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.26966 of 2025

Kaliammal

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Konganapuram Police Station,
Salem District.
(Crime No.355 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.355 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.G.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.08.2025, for the offence punishable under Section 103(1) of the
Bharatiya Nyaya Sanhita (BNS) 2023, in Crime No.355 of 2025, registered
on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the deceased, Muthusamy, son of the petitioner and husband of the de facto complainant, was a habitual drunkard who often demanded money from the petitioner for consuming liquor. On 17.08.2025, after obtaining Rs.1,000/- from the petitioner and consuming liquor, he returned home intoxicated, quarrelled with the petitioner, abused and assaulted her. In the course of the quarrel, the petitioner allegedly assaulted Muthusamy with the handle of a spade, resulting in his death. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is the mother of the deceased and she has no motive to kill her son. The petitioner often demanded money from the petitioner for consuming liquor and abused and assaulted her. The petitioner is an innocent person and has not committed any offence as alleged by the prosecution and she has been in custody since 18.08.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail, reiterating the prosecution case submitting that the petitioner, aged about 70 years, is the mother of the



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deceased. The deceased was a habitual drunkard who frequently demanded money from the petitioner for consuming liquor and assaulted her on several occasions. On the date of occurrence, he again assaulted her under intoxication, and in the course of the quarrel, the petitioner assaulted him with the handle of a spade, causing his death.

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

6. Considering the fact that the petitioner is a woman aged about 70 years and taking into account the period of incarceration, 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 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 **District Munsif cum Judicial Magistrate, Edappadi**, 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



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Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police for a period of two weeks, and thereafter as and when required for interrogation;

[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;

[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]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

06.10.2025

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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.



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To

- 1.The District Munsif cum Judicial Magistrate, Edappadi.
- 2.The Inspector of Police,
Konganapuram Police Station,
Salem District.
- 3.The Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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