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Crl.O.P.No.27822 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.27822 of 2025

Jothi

... Petitioner/ Accused

Vs

The State represented by,
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.424 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on
anticipatory bail in the event of arrest by the respondent in Crime No.424 of
2025 on the file of the respondent police.

For Petitioner : Mr. C. Prabakaran

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 316(2) of BNS in Crime No.424 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Kavitha, who is the sister in law of the petitioner herein lodged a complaint before the respondent police stating that she handed over 6.5 sovereigns of gold jewels on 25.02.2025 to the petitioner for her usage for certain period; that taking advantage of the same, the petitioner herein pledged the said gold jewels without the consent or knowledge of the defacto complainant and denied to redeem back the gold jewels to the defacto complainant in spite of her request. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that a false complaint has been lodged against the petitioner due to matrimonial dispute between the petitioner and her husband namely Madhesh, who is the brother of the defacto complainant. He further submitted that the said Madhesh filed divorce petition in H.M.O.P.No.45 of 2025 before the Sub-Court, Omalur and in order to harass the petitioner a false complaint has



been lodged. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the anticipatory bail to the petitioner reiterated the prosecution case and submitted that there is a matrimonial dispute pending between the brother of the defacto complainant and the petitioner herein; and that the investigation is pending.

5. Considering the facts and circumstances of this case, the petitioner being a lady and taking note of the relationship between the petitioner and the defacto complainant and since custodial interrogation of the petitioner is not necessary for the purpose of investigation, 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 Court, Omalur, Salem District** on condition that the petitioner



shall execute 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

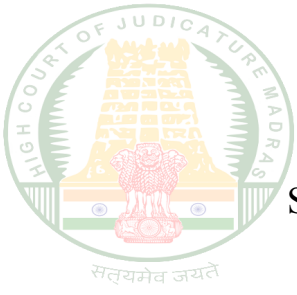
learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[d] 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**



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

13.10.2025

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To

1. The Judicial Magistrate,
Omalur, Salem District.
2. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.424 of 2025)
3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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