



Accused No.2

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD)1175 of 2025

Sahaya Jency

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Crime No.499 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.499 of 2024 on the file of the respondent-police.

For Petitioner : Mr.KA.Raamakrishnan,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested and remanded to judicial custody

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on 15.12.2024 for the alleged offences punishable under Sections 316(4), 318(4) and 336(3) of BNS, 2023, in Crime No.499 of 2024 on the file of the respondent-police. The petitioner thereafter was enlarged on interim bail by this Court on 23.01.2025.

3. The case of the prosecution is that the accused persons received a sum of Rs. 70,07,847/- from nearly 69 persons during the period from 01.05.2023 to 30.11.2024 and issued fake allotment orders and keys, as if the allotments were made by the Tamil Nadu Urban Habitat Development Board. Hence, the case.

4. Mr.KA.Raamakrishnan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been arrayed as A2. He further submits that A1 was enlarged on bail by the learned Principal Sessions Judge, Kanyakumari District, Nagercoil. He therefore submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the case is now transferred to the Additional Director General of Police, CBCID, Chennai. He further submits that the further custody of the petitioner is necessary to unearth the truth. Therefore, he vehemently opposes to grant bail to the petitioner by stating that if the



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petitioner is released on bail, she will cause threat to the defacto complainant and victims and tamper with the evidence. Accordingly, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused all the materials available on record.

7. The petitioner was arrested on 15.12.2024. When the case was taken up for hearing on 23.01.2025, interim bail was granted to the petitioner upon executing a bond of Rs.10,000/- with two sureties, each for a like sum, to the satisfaction of the learned Principal Sessions Judge, Kanyakumari, and subject to further conditions. The petitioner also executed the bond with sureties as ordered by this Court. Thereafter, this Court extended the interim bail on 24.02.2025.

8. Considering the same and also considering the facts and circumstances of the case and the offence alleged against the petitioner, and taking note of the fact that the petitioner has been complying with the conditions for interim bail without deviation, this Court is of the view that further custody of the petitioner is not necessary in this case. Hence, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Principal Sessions



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Judge, Kanyakumari.

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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the Inspector of Police, CBCID, Nagercoil at Kanyakumari daily at 10.30 a.m. until further orders.

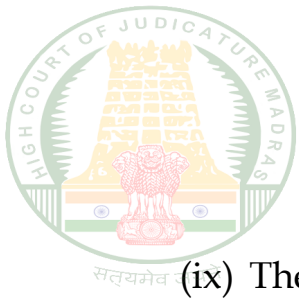
(iv) The petitioner shall furnish her residential address and mobile numbers to the learned Principal Sessions Judge, Kanyakumari.

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vi) The petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she is suspected.

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant, victims, and witnesses.



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work place.

(ix) The petitioner shall not enter into the defacto complainant's house or his

(x) The petitioner shall not try to contact the defacto complainant, victims, and witnesses either directly or through any electronic mode.

(xi) On breach of any of the aforementioned conditions, the learned Principal Sessions Judge, Kanyakumari. or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
03/03/2025

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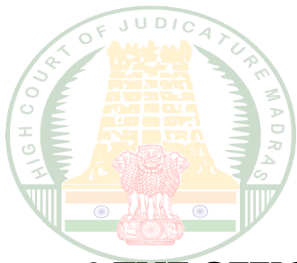
03/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE PRINCIPAL SESSIONS JUDGE, KANYAKUMARI.

2 THE INSPECTOR OF POLICE, ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.



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3 THE OFFICER INCHARGE, THUKALAY WOMEN PRISON,
KANIYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1 THE ADDITIONAL DIRECTOR GENERAL OF POLICE, CBCID, CHENNAI.

2 THE INSPECTOR OF POLICE CBCID, NAGERCOIL AT KANYAKUMARI.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-2325[I] dated 03/03/2025)

ORDER

IN

CRL OP(MD) No.1175 of 2025

Date :03/03/2025

RS/IT/SAR-(03.03.2025) 6P 8C

Madurai Bench of Madras High Court is issuing
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