



CRL OP (MD) No.1754 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.1754 of 2025

Kottai Eswari @ Eshwari

... Petitioner/ Accused No.1

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.13 of 2025

... Respondent/ Complainant

For Petitioner : Mr.CN.Tamizharasan
Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.13 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.01.2025

<https://www.mhc.tn.gov.in/judis> under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner / Accused No.1 was arrested and remanded to judicial custody on 18.01.2025 for offences under Sections 109, 126(2), 296(b) and 61(2)(a) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.13 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the husband of the petitioner (Accused No.1). They have two female children. The defacto complainant deposited a sum of Rs.7,00,000/- in favour of the petitioner (A1) and also opened a locker in her name at Mercantile Bank for the safe custody of 48 sovereigns of gold jewels. However, in the year 2023, the defacto complainant received a notice from the bank demanding payment of interest towards a gold loan. Upon receiving the notice, the defacto complainant questioned the petitioner (A1), which led to a dispute between them. Subsequently, the defacto complainant came to know that his wife, i.e., the petitioner (A1), was allegedly having an illicit relationship with Accused No.2. When the defacto complainant confronted her regarding this, it is alleged that the petitioner and Accused No.2 conspired and hired Accused Nos.3 and 4 to commit his murder. On 17.01.2025, at about 10:00 a.m., while the defacto complainant was travelling on his two-wheeler, the accused persons attempted to murder him. Fortunately, he escaped from the scene of the incident. There are totally



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accused persons in this case, and the petitioner has been arrayed as Accused No.1. It has been brought to the notice of this court that all the accused persons have been arrested in connection with this case.

4. Mr.C.N.Tamizharasan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that she has not committed any offence as alleged by the prosecution, and that a false case has been foisted against her. He further submits that the petitioner has been in judicial custody since 18.01.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the investigation in this case has been completed, and the charge sheet has been filed in S.C.No.110 of 2025. The case has been committed to the Principal District and Sessions Court, Ramanathapuram. He further submits that if the petitioner is released on bail, she may abscond and thereby delay in trial proceedings. Hence, he prays for dismissal of this petition.

6. Heard on both sides and perused the records.

7. This Court has already granted interim bail to the petitioner on 30.01.2025.

Considering the fact that the investigation in this case has been completed, and the



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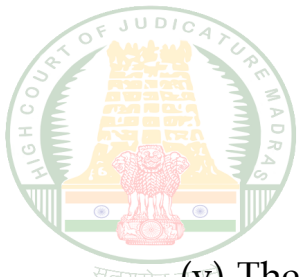
charge sheet has been filed in S.C.No.110 of 2025, and that the case has been committed to the Principal District and Sessions Court, Ramanathapuram, this Court is of the opinion that again custodial interrogation of the petitioner is not necessary for the Investigation Agency in this case. Considering the above and the fact that the petitioner is a woman, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Principal District and Sessions Judge, Ramanathapuram;

(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 Principal District and Sessions Judge, Ramanathapuram shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Principal District and Sessions Judge, Ramanathapuram;

(iv) The petitioner shall report before the learned Principal District and Sessions Judge, Ramanathapuram, on all working days at 10.30 am until further orders;



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(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 which 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Principal District and Sessions Judge, Ramanathapuram 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].

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

sd/-

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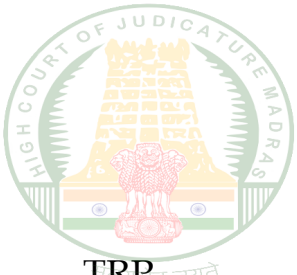
28/04/2025

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.

2 THE OFFICER INCHARGE,
WOMEN SUB JAIL, PARAMAKUDI.

3 THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

ORDER IN
CRL OP(MD) No.1754 of 2025
Date :25/04/2025

SA/SAR. /28.04.2025/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.