



CRL OP(MD). No.1923 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Kaviya

... Petitioner / Accused No.3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.27 of 2024)

... Respondent/Complainant

Suganthi

... Intervener Petitioner/De-facto Complainant
In Crl.MP(MD).1382/2025 in Crl.OP(MD).1923 of 2025

For Petitioner : Mr.P.Senguttuarasan,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

For Intervenor : Mr.C.Saravanakumar,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.



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PRAYER :- For Anticipatory Bail in Crime No.27 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 318(2), 318(4), 61(2), 296(b) and 351(2) of BNS, 2023, in Crime No.27 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner along with A1 and A2 filed the earlier anticipatory bail petition before this Court in Crl.OP(MD).No.18514 of 2024 and this Court granted anticipatory bail to all the 3 accused persons by an order dated 28.10.2024. While granting anticipatory bail, this Court imposed a condition to the effect that the accused persons must deposit a sum of Rs.20 lakhs. Subsequently, the time expired and the petition was filed in Crl.MP(MD).No.13932 of 2024 seeking for extension of time. This Court by an order dated 18.12.2024 extended the time by one week. Even then, the condition was not complied with. As a result, A1 and A2 were arrested and remanded to judicial custody.

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that after the arrest of A1 and A2, a sum of Rs.20 lakhs has been deposited before the learned Judicial Magistrate Court, Theni and the receipt for such deposit was also filed in the typed set of papers. The learned counsel submitted that



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the petitioner is the daughter of A1 and A2 and she had nothing to do with the transaction and since the amount has been deposited, there is no requirement for subjecting the petitioner to custodial interrogation.

4. The learned counsel for the intervenor submitted that the petitioner has created further encumbrance over the property by mortgaging the property to L&T finance limited through document dated 26.11.2024. The learned counsel submitted that the petitioner is trying to further complicate the matter to ensure that the defacto complainant does not get the property and also does not receive the amount that was paid as advance.

5. This Court carefully considered the submission made on either side and perused the materials available on record.

6. In the considered view of this Court, the petitioner is only aged about 21 years and she is the daughter of A1 and A2. Whatever transactions are taking place, obviously it is done by the parents and the daughter may not have an independent say on these issues. Therefore, the subsequent mortgage of the property in favour of L&T finance must have taken place on the instructions of A1 and A2. In fact, A2 was owning the property and she had executed the settlement deed in favour of A3 on 11.09.2024 and subsequently on 26.11.2024, the mortgage has taken place. Therefore, it is clear that it is A1 and A2 who are deciding the further course of action.



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7. In the light of the above discussion, this Court finds that there is no need for custodial interrogation of the petitioner in this case and the entire case is now borne out by records and already a civil suit is also pending before the competent Civil Court. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Theni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

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[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
30/01/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.



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

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-1205[I] dated 31/01/2025)

ORDER
IN
CRL OP(MD) No.1923 of 2025
Date :30/01/2025

SA/SKN/SAR. /14.02.2025/6P/6C

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