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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2007 of 2025

&

CrI.M.P.(MD)No.1446 of 2025

Neela

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Keeranur Police Station,
Pudukottai District.
Crime No.296 of 2024

... Respondent/Complainant

For Petitioner : Mr.R.Alagia Nambi
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For Intervenor : Mr.T.J.Ebenezer Charles

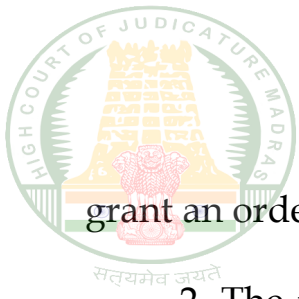
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.296 of 2024 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 29.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 318(4), 316(2), 296(b) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.296 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant asked petitioner to hand over his gold jewels (49 g 37 mg) to his wife for financial reasons. However, the petitioner failed to do so. On 07.11.2024, the defacto complainant along with his relatives visited the petitioner's house to inquire about the Jewelry, at that time, petitioner and other abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.

4. Mr.R.Alagia Nambi, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court and to show her bonafide, the petitioner is ready and willing to deposit a sum of Rs.2,00,000/- in the crime number. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.T.J.Ebenezer Charles, learned counsel appearing for the defacto complainant / intervenor submits that the defacto complainant entrusted 6 sovereigns of gold to the petitioner and asked the petitioner to hand over the same to the defacto complainant's wife, which the petitioner failed to do. Hence, he



submits that the custodial interrogation of the petitioner is necessary in this case.

Accordingly, he prays to dismiss the Criminal Original Petition.

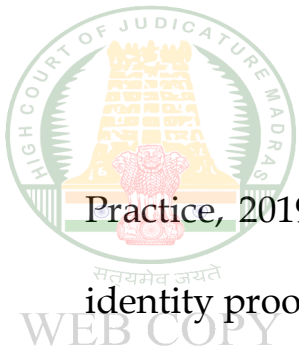
6. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner failed to return 1 ring, 1 bangle and 1 chain weighing 47 gms and 37 mgms to the defacto complainant. Hence, he submits that custodial interrogation of the petitioner is necessary in this case to unearth the truth. Accordingly, he prays to dismiss this Criminal Original Petition.

7. Heard on both sides. This Court has perused the records.

8. In view of the averments in the First Information Report and in view of the submissions made by the learned counsel for the petitioner that petitioner is ready to deposit a sum of Rs.2,00,000/-, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Keeranur, Pudukottai District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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 Judicial Magistrate, Keeranur, Pudukottai District;

(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 make herself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police weekly twice i.e, on every Monday and Friday at 10.00 a.m. until further orders;

(vii) The petitioner shall deposit a sum of Rs.2,00,000/- (Two Lakhs only) to the credit of Crime No.296 of 2024 on the file of the respondent-Police before the learned Judicial Magistrate, Keeranur, Pudukkottai District. The learned Judicial Magistrate, Keeranur, Pudukkottai District, in turn, shall deposit the same in any interest bearing FD Scheme in any nationalized bank for a period of one year, and thereafter, renew them till the final Judgment is passed. Further, the learned Judicial Magistrate, Keeranur, Pudukkottai District or the Trial Court shall pass orders with regard to the deposited amount while passing final orders / final Judgement.

(viii) The petitioner shall furnish her residential address and mobile number to



the learned Judicial Magistrate, Keeranur, Pudukottai District;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(x) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them 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*. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

20.03.2025

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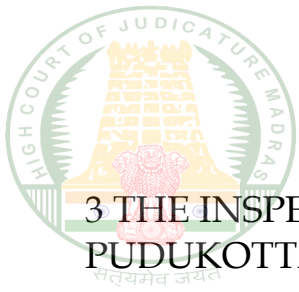
Sub Assistant Registrar
(CS - I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai.

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TO

1 THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.



3 THE INSPECTOR OF POLICE, KEERANUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S. ALAGIA NAMBI.R Advocate SR.No.3258[I] Dated 21/03/2025

+1. CC to M/S.T.J.EBENEZER CHARLES Advocate SR.No.3314[I] Dated
24/03/2025

ORDER

IN

CRL OP(MD) No.2007 of 2025

Date :20/03/2025

RS (16/04/2025) 6P/ 7C

Madurai Bench of Madras High Court is issuing
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