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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2212 of 2025

and

CRL MP(MD).No.1594 of 2025

Kokila,
W/o. Vijayakumar,
177/24, V.V.G.Colony,
Lakshmipuram,
Periyakulam Taluk,
Theni District.

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
District Crime Branch,
Theni.
Crime No. 27/2024.

... Respondent/ Complainant

For Petitioner : Mr.P.Senguttuarasan,
Advocate.

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

For Intervenor : Mr.C.Saravanakumar, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS



PRAYER :-

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C-24B. For bail in Crime No. 27/2024 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 31.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ accused was arrested and remanded to judicial custody on 11.01.2025 for the alleged offences punishable under Sections 318(2), 318(4), 61(2), 296(b), 351(2) of Bharatiya Nyaya Sanhita (BNS), in Crime No.27 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioner along with other accused conspired and defrauded the de-facto complainant of Rs.63,66,350/- by promising to sell the house which is in the name of the petitioner. Hence the case.

4. Mr.P.Sengutturasan, the learned counsel appearing for the petitioner submitted that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 11.01.2025. He therefore prayed to grant bail to the petitioner.



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5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent police submitted that investigation is not yet completed; and that at this stage of investigation, if bail is granted to the petitioner, she will cause threat to the defacto complainant and witnesses. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 11.01.2025 and is in judicial custody. The defacto complainant filed a civil suit in O.S.No.177 of 2024 on the file of the District Court, Theni and the same is pending. Already, A1 was enlarged on bail and A3 was granted pre-arrest bail. The petitioner is a woman. She is in judicial custody since 11.01.2025. Considering the nature of offence, this Court is of the view that further custody may not be necessary. Hence, 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:



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(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the satisfaction of the learned Judicial Magistrate Court, Theni 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 furnish his residence address and mobile number:

(iv) The petitioner shall appear and sign before the concerned Judicial Magistrate, daily at 10.30 a.m., until further orders;

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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. Consequently, the connected Intervening Petition is dismissed.

Sd/-
04/02/2025

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04/02/2025
Sub-Assistant Registrar (C.S. II)
Madurai Bench of Madras High Court,
Madurai -625 023

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TO

- 1 THE JUDICIAL MAGISTRATE,
THENI, THENI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANA KUMAR, Advocate (SR-1372[I] dated 04/02/2025)

ORDER IN
CRL OP(MD) No.2212 of 2025
Date :04/02/2025

ES/SAR /04.02.2025/ 5P/7C

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