



CRL OP(MD) No.3218 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3218 of 2025

Pavun

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.497/2024.

... Respondent/Complainant

For Petitioner : Mr.J.Yogeswaran, Advocate

For Respondent : Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.497/2024 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 18.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

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



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on 08.12.2024 for the alleged offences punishable under Sections 194(3) of BNSS @ 108

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of BNS, in Crime No.497 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's daughter entered into a love marriage with A1, and the petitioner, the mother of A1, used to harass her by demanding dowry, which led to her committing suicide by hanging. Hence the case.

4. Mr.J.Yogeswaran, the learned counsel appearing 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 in judicial custody since 08.12.2024. He therefore prays to grant bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. side) appearing for the respondent-police, submits that the material recovered from the deceased was sent to the Forensic Laboratory Department for examination. He further submits that there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending and therefore, if the petitioner is enlarged on bail, she will cause threat to the defacto complainant and the witnesses and tamper with evidence. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.



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7. The petitioner was arrested on 08.12.2024 and is still in judicial custody. The petitioner has permanent residence. Therefore, there is a less possibility of absconding. Considering the same, and also considering the stage of investigation and the period of incarceration, and taking note of the facts that the petitioner is a woman and has no previous case, and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant bail to the petitioner, 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 Judicial Magistrate, Andipatti, 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 the learned Judicial Magistrate, Andipatti, Theni District shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall not commit an offence similar to the offence of she is



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accused, or suspected, of the commission of which she is suspected;

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(v) 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;

(vi) The petitioner shall furnish her residential address and mobile number to the concerned Judicial Magistrate;

(vii) The petitioner shall appear and sign before the respondent- Police daily at 10.00 a.m. until further orders;

(viii) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Andipatti, Theni District 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].



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

sd/-
20/02/2025
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20/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

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

ORDER
IN
CRL OP(MD) No.3218 of 2025
Date :20/02/2025

RS/IT/SAR-(20.02.2025) 5P 6C
Madurai Bench of Madras High Court is issuing
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