



CRL OP(MD). No.3317 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sivadevi

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(In Crime No.44/2025).

... Respondent/ Complainant

For Petitioner : Mr.K.R.Bharathi Kannan
Advocate.

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

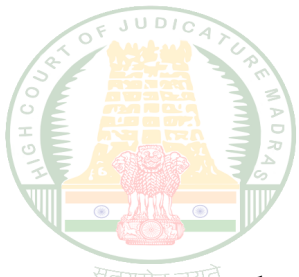
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.44 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 19.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023, in Crime No.44 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 29.01.2025 at around 10.00 pm., the petitioner and her husband entered into the disputed land and started cultivating. When one Palanichamay questioned them, an argument ensued. Later, the defacto complainant alleged that the petitioner had illegally harvested crops and taken 18 bags of paddy. Hence, the case.

4. Mr.K.R.Bharathi Kannan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. However, he submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner. He further submits that the investigation of the case is pending and therefore at this stage, if pre-arrest bail is granted to the petitioner, she may cause threat to the witnesses. Hence, he prays to dismiss this Criminal Original Petition.



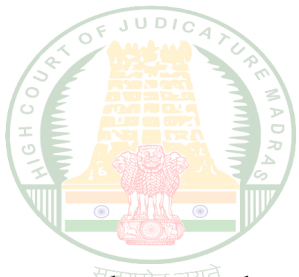
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6. Heard on both sides. This Court has perused the records.

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7. On perusal of the First Information Report it is seen that one Ramu Udaiyar had one son viz., Tamilvanan and one daughter, petitioner herein and they jointly possessed the property. The said Tamilvanan passed away in the year 2018, leaving behind his wife viz., Sivamani as legal heir. The said Sivamani executed a sale deed in respect of the entire property in favour of the defacto complainant viz., Asaimathi, suppressing the petitioner as one of the legal heir. Hence, it appears that it is a property dispute between the petitioner and the defacto complainant. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and the nature of offence, and with a view to give an opportunity to the petitioner to reform herself, 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 pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Devakottai, Sivagangai District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five



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Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees
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Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Devakottai, Sivagangai 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.

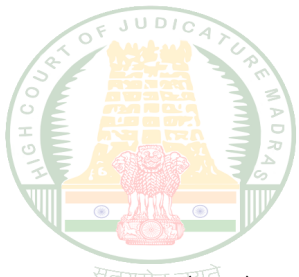
(iii) The petitioner shall appear and sign before the respondent-police weekly twice ie., on every Monday and Friday at 10.30 am until further orders.

(iv) The petitioner shall make herself available for interrogation by a police officer as and when required.

(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.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.



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

(ix) On breach of any of the aforementioned conditions, the learned Judicial 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 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/-
11.03.2025

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

TRP

TO

1. The Judicial Magistrate,
Devakottai, Sivagangai District,
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.



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3. The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.3317 of 2025
Date : 11/03/2025

SL(01.04.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.