



CRL.OP(MD). No.3477 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3477 of 2025

Rajeshwari

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
PEW, Uthamapalayam,
Theni District.
(Crime No.3 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.3 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.Jeyaaron Raja,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for



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the offences punishable under Sections 8(c) read with 20(b)(ii)(A) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution reveals that on 12.01.2025, based on reliable information received from an informant, the respondent-police conducted a raid along with their police party. The 1st accused was found standing with a bag in his possession. Upon noticing the police party, he attempted to flee from the place of occurrence. However, the police team surrounded and intercepted him, and upon inspection, they found that he was carrying a bag containing 25 grams of Ganja. Based on the confession of A1, the petitioner herein arrayed as Accused.

4. Mr.J.Jeyaaron Raja, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that she has not committed any offence as alleged by the prosecution and that a false has been foisted against this petitioner. He further submits that the petitioner is the wife of A1. He however 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.R.Meenakshi Sundaram, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally



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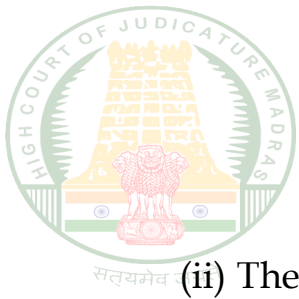
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two accused persons in this case and the petitioner has been arrayed as A2. He further submits that the contraband seized from A1 is small quantity. He further contends that if the petitioner is released on pre-arrest bail, the petitioner may commit similar type of offence in future. He, therefore, prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and the nature of the offence allegedly committed by the petitioner and the alleged contraband seized seems small quantity, this Court is of the opinion that custodial interrogation of the petitioner is not necessary. Hence, 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, Uthamapalayam, Theni 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, Uthamapalayam, Theni District.



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(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 daily at 10.00 a.m. until further orders.

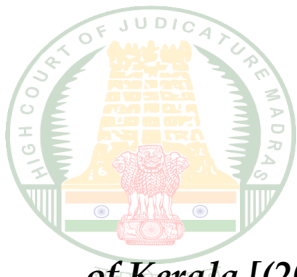
(iv) The petitioner shall make herself available for interrogation by a police officer as and when required.

(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.

(viii) 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*



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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/-
22/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate, Uthamapalayam, Theni District.
2. Do through the Chief Judicial Magistrate, Theni District.
- 3.The Inspector of Police, PEW, Uthamapalayam,Theni District.
- 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-4606[I] dated 23/04/2025)

ORDER IN
CRL OP(MD) No.3477 of 2025
Date :22/04/2025

PP/21.05.2025 5P/6C

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