



CRL OP(MD). No.3550 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3550 of 2025

Packia Lakshmi

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
Karimedu Police Station (L and O)  
Madurai.  
Crime No.117/2025.

... Respondent/ Complainant

For Petitioner : Mr. S.Jaya Vasanthan,  
Advocate.

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

For Intervenor : Mr. D. Arunkumar

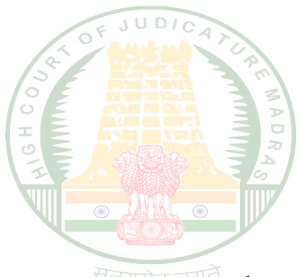
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.117/2025 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 21.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



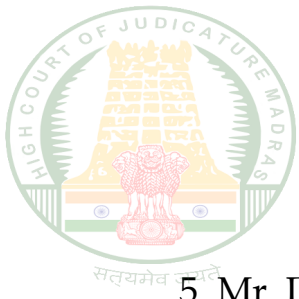
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2. The petitioner / Accused rank not known, apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 115(2), 303(2) (NP) and 351(2) of BNS, 2023 (Previously 294(b), 323, 379(NP) and 506 of IPC) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.117 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner's husband is said to have a relationship out side of marriage with the defacto complainant. On 07.02.2025, the petitioner went to the defacto complainant's work place and abused her in filthy language and also snatched 1 ½ sovereigns of gold chain. Hence, the case.

4. Mr.S. Jaya Vasanthan, 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. He further submits that the petitioner has lodged two cases against the defacto complainant for the relationship out side of marriage with her husband. The defacto complainant had given an undertaking letter to the respondent that she would never involve in such activity in future. Due to the said vengeance, the defacto complainant has lodged a false case against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.



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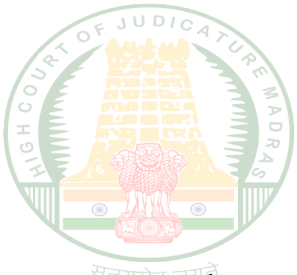
5. Mr. D. Arunkumar, the learned counsel for the intervenor submits that if the petitioner is granted pre-arrest bail, she will cause threat to life of the defacto complainant. Hence, he opposes to grant pre-arrest bail to the petitioners.

6. Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a relationship out of the marriage between the petitioner's husband and the defacto complainant and that on the particular date the petitioner herein went to the defacto complainant's work place and abused her in filthy language and also snatched 1 ½ sovereigns of gold chain. He further submits that the investigation of the case is pending and therefore, at this stage, the pre - arrest bail is granted to the petitioner, she will cause threat to the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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

8. Considering the nature of offence allegedly committed by the petitioner, the fact that the petitioner is a woman, and the fact that the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest



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or in the event of her surrender before the learned Judicial Magistrate No.V, Madurai 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 said Magistrate;

(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 deposit a sum of Rs. 50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.117 of 2025 on the file of the learned Magistrate No.V, Madurai, without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties. On such deposit, the concerned Magistrate shall deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial; Trial Court shall pass order with regard to the deposit to be made by the petitioner in its final order / Judgment.

iv) Thereafter, the petitioner shall appear before the respondent - police on

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10.03.2025, 17.03.2025, 24.03.2025 and 01.04.2025 respectively, until further orders;

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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;

(vi) The petitioner shall also not directly or indirectly cause any threat to the defacto complainant and witnesses and tamper with evidence.

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

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

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

x) The petitioner shall not enter into the defacto complainant's house or her work place; and

(xi) 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].



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

sd/-  
27.02.2025

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/03/2025  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate No.V,  
Madurai
2. Do-Through The Chief Judicial Magistrate,  
Madurai District.
3. The Inspector of Police,  
Karimedu Police Station (L and O)  
Madurai.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN  
CRL OP(MD) No.3550 of 2025  
Date : 27/02/2025

SL(21.03.2025)/ 6P/ 5C

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

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