



CRL OP(MD). No.3926 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3926 of 2025

Mariya Baburaj,
W/o. Selvaraj,
78, Fathima Nagar,
Rayappan Street,
Madurai.

... Petitioner/ Accused

Vs

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

... Respondent/ Complainant

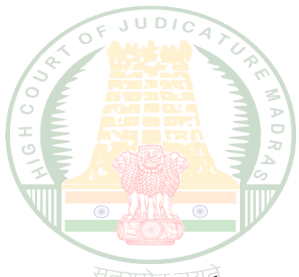
For Petitioner	: Mr.R. Swaminathan, Advocate.
For Respondent	: Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB. For Anticipatory Bail in Crime No. 117 of 2025 on the file of the

<https://www.mhc.tn.gov.in/judis>



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respondent-Police.
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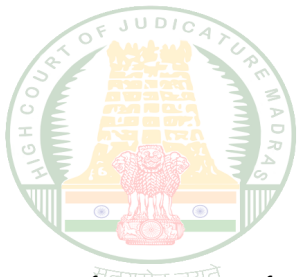
ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 303(2) (NP), 351(2), 49 of BNS (Previously 294(b), 323, 379(NP) and 506, 109 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 on 07.02.2025, the petitioner along with her minor son, attacked the defacto complainant, used abusive language and had snatched her gold chain, weighing 1 ½ sovereign. Hence, the case.

4. Mr.R.Swaminathan, learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays



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for grant of pre-arrest bail to the petitioner.

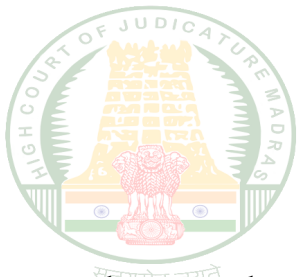
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5. *Per contra*, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation of the case is pending. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence committed by the petitioner and considering the fact that the petitioner is a woman and considering 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 or in the event of her surrender before the learned Judicial Magistrate No.V, Madurai 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.10,000/- (Rupees Ten Thousand only)



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along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate;

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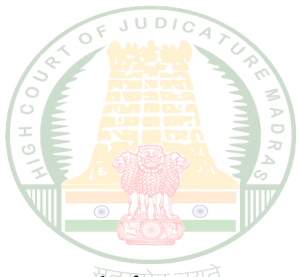
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall 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 Judicial 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;

iv) Thereafter, the petitioner shall appear before the respondent - police on 24.03.2025, 01.04.2025, 07.04.2025 and 14.04.2025 respectively, until further orders;

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

(vi) The petitioner shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence;

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

(vii) 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.

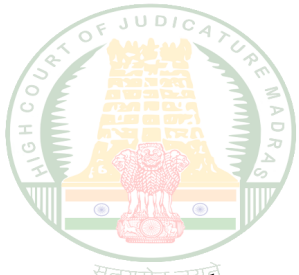
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04/03/2025

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

TO

1. The Judicial Magistrate No.V, Madurai.



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2. Do-Through The Chief Judicial Magistrate,
Madurai District.

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

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.3926 of 2025
Date : 04/03/2025

VN (26/03/2025) 6P / 5C

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