



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

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PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4621 of 2025

D.Sheeja

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.28 of 2021)

... 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.28 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Xavier Rajini,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate (Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.03.2025
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

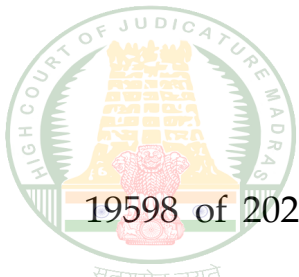


the offences punishable under Sections 294(b), 120B, 420 and 506(2) of Indian Penal Code, 1860, in Crime No.28 of 2021 on the file of the respondent-police.

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3. The case of the prosecution is that the defacto complainant's wife was employed as a Temporary Lecturer in the Tamil Department at a College in Nagercoil. The petitioner was also working as a Temporary Lecturer in the same department at the said college. It is further stated that the petitioner, along with her husband and other accused persons, assured the defacto complainant that they would secure a permanent appointment for his wife in the same college upon payment of Rs.7 lakhs. Pursuant to this assurance, the petitioner and other accused persons received a sum of Rs.5 lakhs in two installments. However, upon failing to fulfill their promise, they assured the defacto complainant that the money would be refunded. Despite this assurance, they failed to repay the said amount. Furthermore, when the defacto complainant demanded the money, the petitioner and others abused him in filthy language and threatened with dire consequences. Hence, the case.

4. Mr.S.Xavier Rajini, the 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. He further submits that the petitioner has been falsely implicated in this case. He further submits that the defacto complainant's wife had borrowed money from the petitioner. When the petitioner demanded repayment, the complainant lodged a false complaint. The petitioner filed CrI.O.P. (MD) No.



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19598 of 2021 seeking to quash the FIR in Crime No. 28 of 2021, and a stay was granted on filing the final report. However, the petition was dismissed on 02.02.2024. Subsequently, the petitioner had filed CrI.O.P. (MD) No. 13922 of 2021 and the same was allowed on 17.03.2022, subject to depositing a sum of Rs.5 lakhs before the Judicial Magistrate No. 1, Nagercoil. The petitioner challenged this condition in S.L.P. (Crl) No. 4216 of 2022 before the Apex Court, but it was dismissed on 20.05.2022. Due to the order in CrI.O.P. (MD) No. 19598 of 2021, the petitioner mistakenly believed that the bail condition in CrI.O.P. (MD) No. 13922 of 2021 was not required to be fulfilled. Thereafter, the petitioner's husband (A1) was arrested on 21.02.2025 and was released on bail with a condition to deposit a sum of Rs.5 lakhs before the Judicial Magistrate No. I, Nagercoil. He duly complied with the condition as per the order. Hence, the learned counsel submits that the petitioner is also ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that this is a case of job rocketing. He confirms that the petitioner's husband has deposited a sum of Rs.5 lakhs before the learned Judicial Magistrate No. I, Nagercoil, Kanyakumari District as per the bail order. He further submits that the petitioner along with other accused persons cheated the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioner, she will cause threat to the defacto complainant as well as his wife



and also tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and taking into account of the fact that the husband of the petitioner has already deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in the Crime No.28 of 2021 on the file of the respondent-police before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District 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.I, Nagercoil, Kanyakumari 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 No.I, Nagercoil, Kanyakumari 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.

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(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday 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 also not, directly or indirectly, cause any threat to the defacto complainant, his wife and also witnesses and shall not tamper the 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) 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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Sd/-

21.03.2025

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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.S.XAVIER RAJINI Advocate SR.No.3352[I] Dated 24/03/2025

ORDER

IN

CRL OP(MD) No.4621 of 2025

Date :21/03/2025

RS (16/04/2025) 6P/ 6C

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