

CRL.OP(MD).No.4536 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4536 of 2025

Purmalaya

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.21 of 2024)

... 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.21 of 2024 on the file of the respondent-police.

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

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

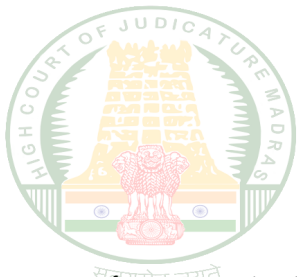
ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.03.2025 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 offence punishable under Sections 498(A), 294(b), 506(i) of IPC read with Section

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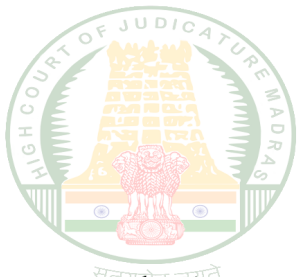
of TNPHW Act, in Crime No.21 of 2024 on the file of the respondent-police.

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3. The case of the prosecution is that A1 and the defacto complainant are husband and wife. At the time of the marriage, the defacto complainant's family gave 51 sovereigns of jewelry and Sridhana articles worth 3 lakhs to A1. However, the defacto complainant was harassed and assaulted by A1 within three days of the marriage. As a result, the defacto complainant suffered mental agony and reported the incident to A2 (petitioner herein) and A3, who are parents-in-law. They, however, allegedly acted in favour of A1 and, along with him, threatened the defacto complainant with criminal intimidation. Hence, the case.

4. Mr.D.S.Haroon Rasheed, the learned counsel for the petitioner, submits that the petitioner is 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 petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for the grant of pre-arrest bail.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally three accused persons in this case and the petitioner has been arrayed as A2. He further submits that the petitioner also threatened the defacto complainant along



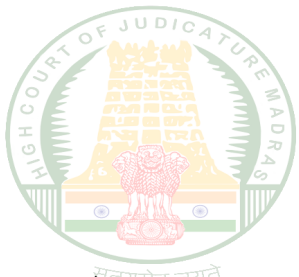
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with A1 with dire consequences. He further contends that if pre-arrest bail is granted to the petitioner, she may cause threat to the defacto complainant and her family members. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioner and the fact that there was dispute between the couple i.e., the defacto complainant and A1, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and also taking note of the fact that the petitioner has no previous cases 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, Usilampatti, Madurai 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/-



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(Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate
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No.I, Usilampatti, Madurai 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 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.

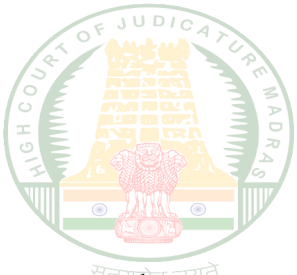
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant, her family members and 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

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to the concerned Magistrate.

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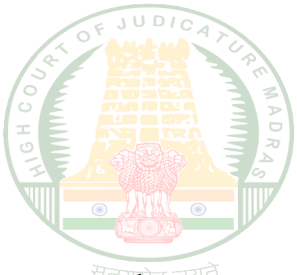
/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Judicial Magistrate No.I,
Usilampatti.

2.Do through the Chief Judicial Magistrate,
Madurai District.



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3.The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.

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

Order made in
CRL OP(MD) No.4536 of 2025
11.03.2025

SL(25.03.2025)/ 6P/ 5C

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