



CRL OP (MD) No.5052 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Devayani,
W/o.Kaviyarasan,
Adi Dravidar Colony,
Ganapathypuram,
Pudukkottai District.

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.
Crime No.17/2025

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate

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



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

For Bail in Crime No.17 of 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 17.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused (rank not known) was arrested and remanded to judicial custody on 03.03.2025 for the offences punishable under Section 194(3)(iv) of BNSS, 2023, subsequently, altered into Section 108 of BNS, 2023 in Crime No.17 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 03.03.2025, at about 04.00 p.m., the defacto complainant was informed that his son, Raman, was found dead by hanging near Perungalur. Immediately upon receiving this information, the defacto complainant rushed to the Government Hospital, Pudukkottai, where he was also informed that the deceased had injuries on his head. Subsequently, on suspicion, the defacto complainant lodged the present complaint, alleging that the petitioner, being a married woman, had an illegal affair with the deceased and that, due to a previous motive, the petitioner and her husband might have killed his son. Hence, the case.



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4. Mr.A.Balaji, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that there was previous enmity between the petitioner and the defacto complainant, as the petitioner and the deceased (son of the defacto complainant) had eloped and were living together in Tiruppur. After the incident, the husband of the petitioner lodged a complaint before the respondent-police under 'Woman Missing'. Subsequently, both of them were secured and sent back to their respective houses. Due to this, the defacto complainant lodged a false complaint against the petitioner. He further submits that the petitioner has been in judicial custody since 03.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has three children. Therefore, he prays for granting bail to the petitioner.

5. In response to the above-said submission, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and the son of the defacto complainant had an illegal affair, due to which there was a dispute between the petitioner's family and the deceased's family. He further submits that the defacto complainant has lodged the complaint stating that his son went to the place to meet the petitioner and was murdered by



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the accused persons since the deceased had injuries on his head. He therefore submits that in this situation, if bail is granted to the petitioner, she may abscond and thereby cause delay in the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

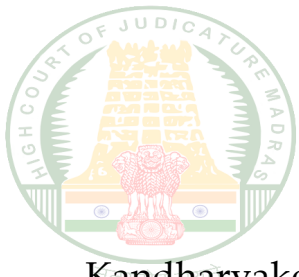
6. Heard on both sides. This Court has perused the case file and the postmortem report.

7. The petitioner was arrested on 03.03.2025 and has been in judicial custody since then. The petitioner has permanent residence, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration and the fact that the further custody of the petitioner may not be necessary for the Investigating Agency, and taking note of the fact that the petitioner is a woman and has three children, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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 District Munsif cum Judicial Magistrate, Kandharvakottai;

(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 District Munsif cum Judicial Magistrate,

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Kandharvakottai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Kandharvakottai;

(iv) The petitioner shall appear and sign before the learned District Munsif cum Judicial Magistrate, Kandharvakottai, on all working days at 10.30 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of she is accused, or suspected, of the commission of which she is suspected;

(vii) 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

(ix) On breach of any of the aforementioned conditions, learned District Munsif cum Judicial Magistrate, Kandharvakottai, 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.

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

TSG

TO

1. The District Munsif cum Judicial Magistrate,
Kandharvakottai.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The officer-in-charge,
Women Prison (Gandhi Market),
Trichy.
4. The Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.BALAJI, Advocate (SR-3668[I] dated 28/03/2025)



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ORDER
IN
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Date :28/03/2025

MK/SAR /28.03.2025 7P/7C

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