



CRL OP(MD). No.5523 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Punitha Devi

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Thiruvidadaimaruthur,
Thanjavur District.
Crime No.10 of 2025

... Respondent/ Complainant

For Petitioner : Miss.V.Muthulakshmi

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 482 of 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 417 of Indian Penal Code, 1860 and Sections 316(2), 318(4) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that A1 on false promise of marrying the defacto complainant, received a sum of Rs.38,00,000/- from the defacto complainant and had sexual intercourse with her. Due to which, the defacto complainant got pregnant. When she insisted to marry her, A1 refused. So, the defacto complainant lodged a complaint before AWPS, Kumbakonam. During enquiry in that case, A1 and the petitioner / A2 appeared and A1 repaid a sum of Rs.29,25,000/- and undertook to marry the defacto complainant. Thereafter, at the instigation of the present petitioner / A2, A1 refused to marry the defacto complainant. Further, A1 compelled to do abortion and threatened the defacto complainant with dire consequences. Hence, the case.



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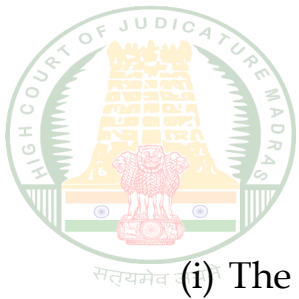
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4. Miss.V.Muthulakshmi, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation is yet to be completed and if pre-arrest bail is granted to the petitioner, she will cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner / A2 is the mother of A1. In view of the facts and circumstances and considering the overt act of the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary. Further, 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 an order of pre-arrest bail to the petitioner subject to the following conditions:



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(i) The petitioner shall be released on bail in the event of her arrest or in the event of her surrender before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur 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 District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, Thanjavur 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 make herself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-



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Police daily at 10.00 a.m. until further orders;

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

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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/-

25/04/2025

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

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TO
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1.The District Munsif cum Judicial Magistrate,
Thiruvidadaimaruthur, Thanjavur District.

2.The Inspector of Police,
All Women Police Station,
Thiruvidadaimaruthur,
Thanjavur District.

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

+1 CC to M/s.B.DEEPAK, Advocate (SR-4904[I] dated 28/04/2025)

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Date : 25.04.2025

KVL/26.05.2025 6P/5C

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