



Crl.M.P.(MD)No.4055 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

Crl.M.P.(MD)No.4055 of 2025

in

Crl.A.(MD)No.1046 of 2023

S.Mareeswari

... Petitioner

versus

Jeyalakshmi

... Respondent

For Petitioner : Mr.N.Anantha Padmanabhan, Senior Counsel
for M/s.APN Law Associates

For Respondent : No appearance

PETITION FOR BAIL Under Sec.483 of BNS

PRAYER :- To enlarge the petitioner / Accused on Bail in Crl.A.(MD)No.1046 of 2023.

ORDER

The petitioner is the respondent in Crl.A.(MD)No.1046 of 2023. The appeal was filed by the respondent in this application as against the Judgment of the learned

Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai, in

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



Crl.M.P.(MD)No.4055 of 2025

S.T.C.No.314 of 2012.

WEB COPY

2. The respondent/complainant has filed a private complaint as against the petitioner in S.T.C.No.314 of 2012 for the offence under Section 138 of the Negotiable Instruments Act. The trial Court, after concluding the trial, by its Judgment dated 27.02.2015, acquitted the petitioner/accused that there is no legally enforceable debt as against the petitioner/accused. Challenging the same, the respondent/complainant has preferred Crl.A.(MD)No.1046 of 2023.

3. This Court, by its order dated 03.01.2024, admitted the appeal and ordered notice to the respondent/accused in the appeal. This Court, by order dated 23.04.2024, has also issued a fresh notice to the respondent/accused returnable by 03.06.2024. However, it could not be served on the petitioner / accused.

4. The complainant has filed a petition before this Court in Crl.M.P.(MD) No.6331 of 2024 under Section 390 Cr.P.C. that the petitioner is evading the summons and notice sent to her was returned with an endorsement as "refused". Therefore, by referring the postal endorsement, the petitioner has filed the petition seeking to issue a Non-Bailable Warrant as against the petitioner/respondent in the appeal.

5. Considering the postal endorsement, this Court has passed an order on 03.03.2025 directing the Registry to issue a Non-Bailable Warrant of arrest as against the petitioner/respondent through the trial Court. Accordingly, a Non-Bailable



Crl.M.P.(MD)No.4055 of 2025

Warrant of arrest was issued and the petitioner/respondent was also arrested by the
WEB COPY
Inspector of Police, Vadipatti Police Station on 23.03.2025.

6. The learned Senior Counsel appearing for the petitioner/respondent in Criminal Appeal submits that the petitioner is working as a Teacher. She was acquitted by the learned Judicial Magistrate in the complaint lodged by the complainant in S.T.C.No.314 of 2012. As against the order of acquittal, Crl.A.(MD) No.1046 of 2023 has been filed. Now, the petitioner/respondent has now been arrested pursuant to the order of this Court dated 03.03.2025, passed in Crl.M.P.(MD) No.6331 of 2024 in Crl.A.(MD)No.1046 of 2023.

7. According to the learned Senior Counsel, the petitioner was not issued with any notice and a false representation has been made as if the petitioner has refused to receive the notice. According to him, the petitioner was not aware of the notice issued by this Court.

8. Considering this submission, this Court has permitted the petitioner to move this application and also directed the Registry as well as the petitioner's counsel to intimate the listing of this case and this application to the learned counsel for the respondent/appellant in criminal appeal.

9. It is reported that the learned counsel for the appellant is held up at Delhi.

10. Considering the submissions made and also considering the fact that appeal



Crl.M.P.(MD)No.4055 of 2025

is arising out of the Judgment of acquittal and that too in the proceedings initiated
WEB COPY
under Section 138 of Negotiable Instruments Act, this Court is inclined to allow this
application.

11. Accordingly, this application is allowed. The learned Judicial Magistrate No.I, Fast Track Court at Magisterial Level, Madurai is directed to release the petitioner on bail, after obtaining own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only).

sd/-
24/03/2025

/ TRUE COPY /

24/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
1 THE JUDICIAL MAGISTRATE NO.I,
FAST TRACK COURT AT MAGISTERIAL LEVEL,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI.



Crl.M.P.(MD)No.4055 of 2025

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-3325[I] dated
24/03/2025)

ORDER
IN
CRL MP(MD) No.4055 of 2025
IN
CRL A(MD) No.1046 of 2023
Date :24/03/2025

SA/SKN/SAR. /24.03.2025/5P/6C

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