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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5620 of 2025

Parameswari,
(*)W/o.Murugan,
Viruveedu,
Dindigul District.

... Petitioner/ A1

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police
Thevaram Police Station,
Theni District.
(Crime No.15 of 2025).

... Respondent/Complainant

For Petitioner : Mr.Sivaprakash.S., Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.15 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 06.02.2025 for the offences punishable under Sections 316(2), 319(2) and 318(4) of BNS, 2023 in Crime No.15 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, along with Accused No.2/Rajadurai borrowed a sum of Rs.3,00,000/- from the defacto complainant and returned only a sum of Rs.50,000/- to the defacto complainant and failed to repay the balance amount of Rs.2,50,000/-. Hence, the case.

4. Mr.S.Sivaprakash, the learned counsel appearing for the petitioner, submits that a false case has been foisted against the petitioner and that the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 06.02.2025 and is ready to abide by any conditions to be imposed by this Court. He further submits that there was a money transaction between A2 and the defacto complainant and therefore, the petitioner has no connection with the crime and that the respondent-police have not conducted the proper enquiry. Therefore, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Government Advocate



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(Criminal Side) appearing for the respondent-police, submits that the petitioner along with another accused person has received a sum of Rs.3,00,000/- from the defacto complainant, repaid only a sum of Rs.50,000/- and failed to repay the balance amount. He further submits that Accused No.2 acted as he was working in the Police Department and obtained money from the defacto complainant. He further submits that the investigation has been completed and charge sheet has been filed before the concerned Court. He however submits that, if the petitioner is enlarged on bail, she will cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 06.02.2025. In view of the facts that the investigation has been completed and charge sheet has been filed before the concerned Court, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and with a view to give an opportunity to the petitioner to reform herself, 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:



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(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 Judicial Magistrate, Bodinayakanur, Theni 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, Bodinayakanur, Theni District, 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 Judicial Magistrate, Bodinayakanur, Theni District;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Bodinayakanur, Theni District, weekly twice (i.e., on Monday and Friday) at 10.30 a.m., and 05.00 p.m., until further orders. If Monday and Friday are holidays, the petitioner shall appear and sign before the concerned Court on the next working day;

(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



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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 or tamper with the evidence;

(viii) The petitioner shall also not directly or indirectly cause threat to the defacto complainant and the family members; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Bodinayakanur, Theni District, 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/-

02.04.2025

(*)Amended as per order of this Hon'ble Court in
CRL MP(MD).4452/2025 in CRL OP(MD).5620/2025
Dated 02/04/2025

// True Copy //

02/04/2025

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



TO
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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
26/03/2025

- 1 THE JUDICIAL MAGISTRATE, BODNAYAKANUR THENI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL WOMEN PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, THEVARAM POLICE STATION,
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.S.SIVAPRAKASH, ADVOCATE, SR-3758[I] DATED 02/04/2025

ORDER
IN

CRL OP(MD) No.5620 of 2025
Date :26/03/2025

NBF/SAR/ (26/03/2025) 6P/7C

RS/SAR/ (02.04.2025) 6P/7C

Madurai Bench of Madras High Court is issuing
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