



CRL OP (MD) No.5740 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Shahila

... Petitioner/ A1

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.
Crime No. 1 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.V.Kathirvel, Senior Advocate
for Mr.K.Prabhu, 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.1 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 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of bail.

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2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 16.03.2025 for the offences punishable under Sections 316(4), 318(4) and 336(3) of BNS, 2023, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, the petitioner along with other accused have received huge amount from some beneficiaries during the period from 01.05.2023 to 30.11.2024 and issued fake house allotment orders and original house keys to the public without the knowledge of the officials and illegally made them to reside in the houses built by the Tamil Nadu Urban Habitant Development Board at Puthukulam, Anjugramam. Hence, the case.

4. Mr.V.Kathirvel, learned Senior Counsel appearing for Mr.K.Prabhu, learned counsel for the petitioner, submits that the petitioner is an innocent person, that she has not committed any offence as alleged by the prosecution and that she has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 16.03.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner was initially



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arrested on 15.12.2024 and thereafter, she was released on bail by the learned Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.242 of 2025 on 22.01.2025. Thereafter, the learned Public Prosecutor moved an application for cancellation of bail in Crl.M.P.No.582 of 2025 and the same was allowed on 14.03.2025 and the petitioner was again arrested and remanded to judicial custody on 16.03.2025. Thereafter, the petitioner filed another petition seeking to grant bail in Crl.M.P.No.1329 of 2025 and the same was dismissed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil on 22.03.2025. He further submits that the respondent-Police filed a petition before the learned Judicial Magistrate I, Nagercoil, seeking for custodial interrogation of the petitioner and the same was allowed on 08.04.2025 in Crl.M.P.No.1026 of 2025. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 16.03.2025 and has been in judicial custody since then. In view of the offence allegedly committed by the petitioner and the facts and circumstances of the case, 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 hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a



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view to give one more 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:

(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 III, Nagercoil;

(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 III, Nagercoil, 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 III, Nagercoil;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 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



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or promise to any person acquainted with the facts of the case so as to dissuade her
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from disclosing such facts to the Court or to any police officer or tamper with the
evidence;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial
Magistrate III, Nagercoil, 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].

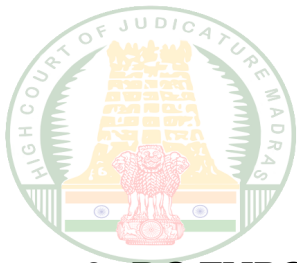
8. Accordingly, this Criminal Original Petition is allowed subject to the
conditions stated supra.

sd/-
09/04/2025

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09/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
SUB JAIL, THUCKALAY (WOMEN).

4 THE INSPECTOR OF POLICE,
CBCID, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

ORDER IN
CRL OP(MD) No.5740 of 2025
Date :09/04/2025

SA/SAR. /09.04.2025/6P/6C

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