



CRL OP (MD) No.5758 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Thangaperuma

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
Crime No.48 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.Suyambulinga Bharathi

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

For Intervener : Mr.R.Jagadeeshwaran

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.48 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 26.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/A2 was arrested and remanded to judicial custody on 18.02.2025 for the alleged offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 altered into 296(b), 115(2), 103(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.48 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a property dispute, on 03.02.2025, at about 15:00 hours, the petitioner's husband (A1) went to the defacto complainant's tea shop and assaulted and kicked the defacto complainant's husband on his chest. When the defacto complainant questioned this, the petitioner arrived at the scene, attacked the defacto complainant, and abetted the offence. The defacto complainant's husband was admitted to the hospital on 03.02.2025 and discharged on 05.02.2025. However, he was readmitted on 07.02.2025 and passed away on the same day. Hence, the case.



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4. Mr.K.Suyambulinga Bharathi, learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and has been falsely implicated in this case. He further submits that a property dispute exists between the petitioner's family and the deceased's family. Additionally, he states that the investigation has been completed. He also submits that the petitioner has been in judicial custody since 18.02.2025 and is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Jagadeeshwaran, learned counsel appearing for the defacto complainant, submits that the petitioner and her husband attacked the defacto complainant and her husband, and that due to the injuries sustained, the defacto complainant's husband died. He further submits that the petitioner's husband has one previous case, and if bail is granted to the petitioner, the petitioner's family will cause threat to the defacto complainant and her family members. Accordingly, he prays to dismiss the Criminal Original Petition.

6. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that if bail is granted to the petitioner, she will cause threat to the ocular witnesses and thereby delay the trial proceedings. He



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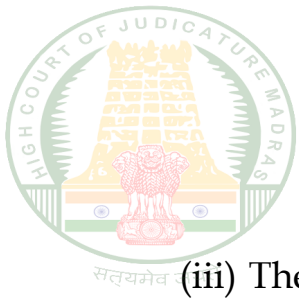
further submits that the petitioner has no previous case. He however prays to
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dismiss this Criminal Original Petition.

7. Heard on both sides. This Court has perused the records including the First Information Report.

8. The petitioner was arrested on 18.02.2025 and has been in judicial custody since then. It appears that a property dispute exists between the petitioner's family and the defacto complainant's family. Considering the overt act allegedly committed by the petitioner, the fact that the petitioner is a first offender, and 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:

(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 No.II, Sattur;

(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 No.II, Sattur shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.II, Sattur;

(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 which 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not enter into the defacto complainant's house or workplace;

(ix) The petitioner shall not cause any threat to the defact complainant, her family members and witnesses and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Sattur 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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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

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To

1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, MADURAI.

4.The Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.

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



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+1 CC to M/s.K.SUYAMBULINGABHARATHI, Advocate (SR-3903[I] dated
04/04/2025)

ORDER
IN
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Date :04/04/2025

MK/SAR /04.04.2025 7P/7C

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