



CRL OP(MD). No.6036 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6036 of 2025

Parakath Nisha, ... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Thiruvaiyaru Police Station, Thanjavur
District.
Crime No. 591 of 2024..
... Respondent/Complainant

For Petitioner : Mr.S.Venkatesan,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 591 of 2024 on the file of the respondent-Police.



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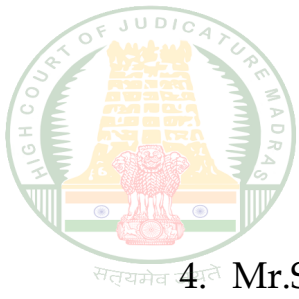
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/A2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 379, 406, 420, 417, 467, 468, 471, 102, 506 (ii), 109 and 34 of IPC, in Crime No.591 of 2024 on the file of the respondent.

3. The case of the prosecution is that the defacto complainant filed three suits in O.S.No.216 of 2013, O.S.No.190 of 2015 and O.S.No.177 of 2017 before the District Munsif Court, Thiruvaiyaru, as against A1 along with other accused persons. While the cases were pending, on 24.04.2024, Accused Nos.4 and 5, who are practicing Advocates at Thiruvaiyaru Bar Association, committed theft of plaintiffs' side documents from the District Munsif Court, Thiruvaiyaru in a case in O.S.No.190 of 2015. They, then, executed a sale deed in favour of Accused No.3 / Kalaiselvi, who, in turn, executed a 'Gift Settlement Deed' in favour of her sons. Hence the case.



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4. Mr.S.Venkatesan, learned counsel for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that the petitioner is ready to abide by any condition to be imposed by this Court. He further submits that the main allegation made against A1 only and he arrested and released on bail by this Court in Crl.O.P.(MD).No.4687 of 2025, dated 19.03.2025. Hence, he prays to grant pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner is daughter of A1. He further submits that if pre-arrest bail is granted to the petitioner, she may cause threat to the defacto complainant and witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the First Information Report as well as the Case Diary.

7. Considering the facts and circumstances of the case, and considering the nature of the offence alleged against the petitioner, and also considering the fact that the petitioner has permanent residence and deep roots in the society and therefore,

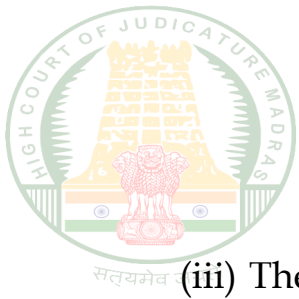


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there is less possibility of absconding, and also considering the fact that the petitioner has not previous case, and taking note of the fact of this case, the custodial interrogation of the petitioner may not be necessary for the investigating agency and also 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. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate Court, Thiruvaiyaru, 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 Court, Thiruvaiyaru, Thanjavur District, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent-Police weekly twice (ie., on Monday and Wednesday) at 10.00 a.m., until further orders;

(iv) The petitioner shall make herself available for interrogation by a police officer as and when required;

(v) 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 her from disclosing such facts to the Court or to any police officer;

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

(vii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate Court, Thiruvaiyaru, 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, the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, 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 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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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

TO

- 1.THE LEARNED JUDICIAL MAGISTRATE COURT,
THIRUVAIYARU,
THANJAVUR DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

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Date :09/04/2025

VN/13.05.2025 7P/5C

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