



CRL.OP(MD). No.6108 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6108 of 2025

Eswari

... Petitioner / Accused

Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.191 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.191 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Abul Hasan,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 01.04.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for
the offences punishable under Sections 191(2), 296(b), 115(2), 351(2), 303(2), 49 of



CRL.OP(MD). No.6108 of 2025

BNS, 2023, in Crime No.191 of 2025 on the file of the respondent-police.

WEB COPY

3. The case of the prosecution is that there was a dispute between the defacto complainant's father and the petitioner regarding a payment in a self-help group. On 05.02.2025, a verbal altercation occurred between the defacto complainant's parents, the petitioner and other persons, which was recorded by the defacto complainant. When Eswari asked the defacto complainant to delete the video, he refused. Out of vengeance, on 06.02.2025, at about 09:40 p.m., while the defacto complainant was at his house, seven unknown accused persons arrived and handed him a phone, asking him to speak with the petitioner's son. Over the phone, the petitioner's son threatened the defacto complainant, demanding that he delete the video, abused him in filthy language, and then asked him to pass the phone to the other accused persons. Upon receiving the phone, the other accused persons attacked the defacto complainant. During the incident, his four grams of gold jewelry, worth approximately Rs.30,000/-, went missing. Some of the accused attempted to attack him with a sword, but upon noticing the presence of CCTV cameras and the arrival of neighbors, they fled the scene.

4. Mr.A.Abul Hasan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely



CRL.OP(MD). No.6108 of 2025

WEB COPY

implicated in this case. Hence, the learned counsel submits that the petitioner is also ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner herein threatened the defacto complainant with dire consequences. He further submits that if prearrest bail is granted to the petitioner, she may cause threat to the defacto complainant and the witnesses. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the facts and circumstances of the case and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail 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 No.II, Madurai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



CRL.OP(MD). No.6108 of 2025

WEB COPY

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, Madurai.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) at 10.00 a.m., until further orders.

(iv) The petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.191 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate No.II, Madurai. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing fixed deposit in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.191 of 2025. The learned Judicial Magistrate and Trial Court shall pass orders qua entitlement of the said amount in its final order / judgment

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

(vi) The petitioner shall not, directly or indirectly, make any inducement,



CRL.OP(MD). No.6108 of 2025

threat or promise to any person acquainted with the facts of the case so as to
WEB COPY
dissuade him from disclosing such facts to the Court or to any police officer.

(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and also witnesses and shall not tamper the evidence.

(viii) The petitioner shall not leave India without the previous permission of the Court.

(ix) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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].

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

sd/-
08/04/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL.OP(MD). No.6108 of 2025

pal
TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO. II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6108 of 2025
Date :08/04/2025

NBF/SAR /30.04.2025 6P/5C

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