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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

CRL OP (MD) Nos. 6275 and 6189 of 2025

Anusuya

... Petitioner in

CrI.O.P(MD) No.6275 of 2025 / A1

Sudha

... Petitioner in

CrI.O.P(MD) No. 6189 of 2025 / A2

Vs

The State of Tamil Nadu

Rep. by The Inspector of Police,

Central Crime Branch (CCB),

Madurai City.

Crime No.5 of 2025

... Respondent in both Cr.O.Ps.

/Complainant

For Petitioner in

CrI.O.P.(MD) No.6275 of 2025 : Mr.S.Poornachandran

For Petitioner in

CrI.O.P.(MD) No.6189 of 2025 : Mr.M.Sankar

For Respondent in both cases : Mr.K.Sanjai Gandhi

Government Advocate (CrI.Side)

For Intervener in both cases : Mr.N.Sathish Babu

PETITIONS FOR BAIL Under Sec.483 of BNSS

COMMON PRAYER :-

For Bail in Crime No.5 of 2025 on the file of the respondent-police.

COMMON ORDER : The Court made the following common order :-



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These Criminal Original Petitions have been filed by the petitioners on 02.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 12.03.2025 and 13.03.2025, for the alleged offences punishable under Sections 61(2) and 316(4) of Bharathiya Nyaya Sanhita, 2023, in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant runs a business under the name and style of 'Designers Shelter Studio', and the petitioners were working as Accounts Officers, handling account statements, maintaining accounts, GST, IT returns, and salary distribution to employees. Noticing discrepancies in the accounts, the defacto complainant asked the Auditor to verify them, and it was found that the petitioners had misappropriated a sum of Rs.40,00,000/-. Hence, the case.

4. Mr.S.Poornachandran, learned counsel for the petitioner in CrI.O.P. (MD) No.6275 of 2025, and Mr.M.Sankar, learned counsel for the petitioner in CrI.O.P. (MD) No.6189 of 2025, jointly submit that the petitioners are innocent, that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. They further submit that the petitioners have been in judicial custody since 12.03.2025 and 13.03.2025, respectively. Additionally, they



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submit that the petitioners are ready to abide by any conditions that may be imposed by this Court. They therefore pray to grant bail to the petitioners.

5. Per contra, Mr.N.Sathish Babu, learned counsel for the intervener, submits that the amount misappropriated by the petitioners is very huge, and hence, if they are enlarged on bail, they may cause threat to the life of the defacto complainant and tamper with the witnesses. Therefore, he opposes to grant pre-arrest bail to the petitioners.

6. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation of the case is pending, and therefore, at this stage, if the petitioners are enlarged on bail, they may abscond and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

8. The petitioners were arrested and remanded to judicial custody on 12.03.2025 and 13.03.2025 respectively. They have been in judicial custody since then. The petitioners have permanent residence, and therefore, there is less possibility of absconding. Considering the same, and also considering the nature of offence allegedly committed by the petitioners and the period of incarceration, and taking note of the fact that the petitioners are women, and with a view to give an



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opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 No.I, Madurai;

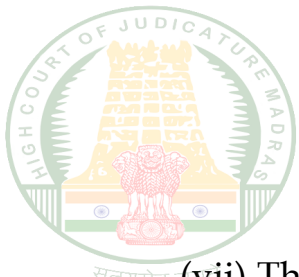
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.I, Madurai, on all working days, at 10.30 am until further orders;

(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;



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(vii) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioners shall not directly or indirectly any threat to defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Madurai is entitled to pass appropriate orders against the petitioners 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].

9. Accordingly, these Criminal Original Petitions are allowed subject to the conditions stated supra.

sd/-
04/04/2025

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04/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

Trp
TO

1.The Judicial Magistrate No.I, Madurai.



2. Do-Through The Chief Judicial Magistrate, Madurai District.

3. The officer-in-charge, Women Prison, Madurai.

4. The Superintendent, Central Prison for Women, Madurai.

5. The Inspector of Police,
Central Crime Branch (CCB), Madurai City.

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

+1. CC to M.Sankar Advocate SR.No.3907(I) dated 04/04/2025

ORDER
IN

CRL OP (MD) Nos. 6275 and 6189 of 2025
Date :04/04/2025

NBF/SAR/ (04/04/2025) 6P/8C

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