



CRL OP(MD). No.6192 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Devi @ Shanthi

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Then Tamaraikulam Police Station,
Kanyakumari District.
Crime No.165/2010

... Respondent/Complainant

For Petitioner : Mr.P.Manimaran,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

To enlarge the petitioner on bail in the event of her arrest in C.C.No. 44/2011 on the file of the learned Judicial Magistrate III, Nagercoil in Crime No. 165/2010 on the file of the Respondent Police and thus render justice.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant



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an order of pre-arrest bail.

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2. The petitioner / Sole Accused, who apprehends arrest on the basis of non bailable warrant issued against her, is facing trial in C.C.No. 44/2011 on the file of the learned Judicial Magistrate III, Nagercoil, for the offences punishable under Section 392 of IPC in connection with Crime No.165 of 2010 on the file of the respondent-Police and seeks pre-arrest bail.

3. The case of the prosecution is that the petitioner failed to appear before the trial court. Hence, non bailable warrant was issued on 12.11.2024 in C.C.No.44 of 2011 on the file of the learned Judicial Magistrate III. Hence, the case.

4. Mr.P.Manimaran, the learned counsel for the petitioner, submits that the petitioner is residing at Salem and the petitioner's counsel failed to file a petition under section 317 of Cr.P.C before the concerned Court. Hence, the learned Judicial Magistrate issued non bailable warrant against the petitioner on 12.11.2024. He further submits that the petitioner reasonably apprehends that if the petitioner surrenders before the trial Court, the petitioner may be remanded by the Judicial Magistrate. He, however, submits that the petitioner is ready to abide any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side)



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appearing for the respondent-police, submits that the occurrence took place in the year 2010. The petitioner failed to appear before the trial Court. Hence, non bailable warrant was issued in the year 2016 and the same was executed and then, the petitioner released on bail on 28.10.2024. Again, the petitioner failed to appear before the trial Court on 12.11.2024 and hence, a new non bailable warrant was issued. He further submits that if again bail is granted to the petitioner, she may abscond and thereby cause delay to the trial proceedings. Accordingly, he strongly prays to dismiss this Criminal Original Petition.

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

7. In this petition, the petitioner has stated that the learned counsel on trial court failed to file the necessary petition praying for condonation of her absence.

8. Considering the above, and considering the the period of incarceration, in the interest of justice, and with a view to ensure a fair trial and give one more opportunity to the petitioner to co-operate with the trial, 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 III, Nagercoil, 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) along with



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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;

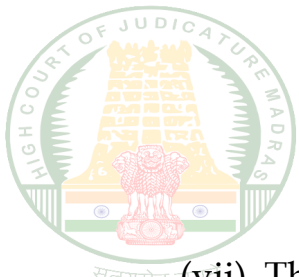
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate III, Nagercoil, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate III, Nagercoil weekly once (i.e., on Monday) at 10.30 a.m., until further orders. If Monday is a holiday, the petitioner is directed to appear and sign before the concerned Court on the next working day. Further, the petitioner shall appear before the trial Court on all hearing dates without fail;

(iv) 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 them from disclosing such facts to the Court or to any police officer;

(v) The petitioner shall not leave India without the prior permission of the Court;

(vi) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate III, Nagercoil;



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

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate III, Nagercoil, or Trial Judge, 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].

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

sd/-
23/04/2025

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/05/2025

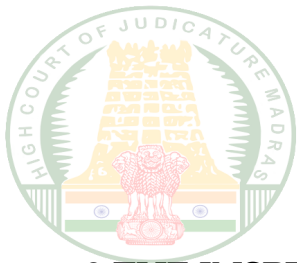
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.THE JUDICIAL MAGISTRATE III, NAGERCOIL.

2.THE CHIEF JUDICIAL MAGISTRATE, KANNIYAKUMARI DISTRICT AT NAGERCOIL.



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3.THE INSPECTOR OF POLICE,
THAMARAikulam POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.R.MANIMARAN, Advocate (SR-4775[I] dated 25/04/2025)

ORDER
IN
CRL OP(MD) No.6192 of 2025
Date :23/04/2025

PR/28.05 .2025 6P/6C

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