



CRL OP (MD) No.6447 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

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Shanmugapriya

... Petitioner/ Accused

Vs

The State of Tamil Nadu  
Rep. by the Inspector of Police,  
Orathanadu Police Station,  
Thanjavur District.  
Crime No.113 of 2025

... Respondent/Complainant

For Petitioner : Mr.P.Suresh, Advocate  
for M/s.R.Ponkarthikeyan,  
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.113 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.04.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to  
grant bail.

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2. The petitioner/Accused was arrested and remanded to judicial custody on 18.03.2025 for the offences punishable under Section 109(2) of Bharatiya Nyaya Sanhita (BNS), 2023 @ Section 103(1) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.113 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner is the daughter of the deceased. The defacto complainant is the brother-in-law of the deceased, namely, Kamalakannan. The deceased married Rajeswari 25 years ago, and they were blessed with a daughter, who is the petitioner herein. During the course of his employment, the deceased sustained an injury to his left leg eight years ago and was unable to walk thereafter. It is further stated that the deceased was a habitual drunkard and used to regularly quarrel with his wife and daughter. Due to this, the deceased had been living separately in a rented house at Orathanadu for the past few years. The deceased was being taken care of by the son of the defacto complainant, namely Murali, and one Palaniappan, who used to buy and provide food for him. Occasionally, the wife of the deceased would visit him and help him financially. On 17.03.2025, Palaniappan went to deliver lunch to the deceased. Later, at around 07:00 p.m., he went again to provide dinner. At that time, he found the door closed, and



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upon opening it, he noticed that the deceased was struggling for his life with bleeding injuries. He was immediately taken to Orathanadu Government Hospital in a 108 ambulance and was later referred to Thanjavur Government Hospital, where he succumbed to his injuries. Thereafter, the defacto complainant came to know that the wife and daughter of the deceased (the petitioner) had visited him prior to the occurrence. Therefore, he suspected that they might have assaulted the deceased and caused the injuries which led to his death. Hence, the complaint.

4. Mr.P.Suresh, for Mr.R.Ponkarthikeyan, learned Counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 18.03.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation is not yet completed. He further submits that the deceased is none other than the father of the petitioner. He further submits that if the petitioner is enlarged on bail, she may abscond, thereby delaying the investigation. Accordingly, he strongly opposes to grant bail to the petitioner.



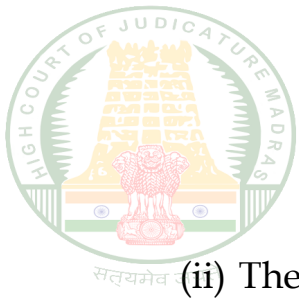
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6. This Court has considered the submissions made on either side. This Court has perused records including the First Information Report and the confession statement of the accused.

7. The petitioner was arrested and has been in judicial custody since 18.03.2025. In this case, the petitioner is none other than the daughter of the deceased. A reading of the First Information Report and other documents shows that due to sudden provocation, the alleged occurrence happened. Therefore, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not cause any prejudice to the rights of the prosecution in establishing its case during the trial. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant an order of bail to the petitioner, however, 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, Orathanadu;



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(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, Orathanadu, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Orathanadu;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Orathanadu, 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 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate, Orathanadu, is entitled to pass appropriate orders against the petitioner  
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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/-  
17/04/2025

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17/04/2025

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

VSG

To

- 1.The Judicial Magistrate, Orathanadu.
  2. Do through The Chief Judicial Magistrate, Thanjavur District at Kumbakonam.
  - 3.The Officer-In-Charge, Women Prison, Gandhi Market, Trichy.
  - 4.The Inspector of Police, Orathanadu Police Station, Thanjavur District.
  - 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.PONKARTHIKEYAN, Advocate ( SR-4373[I] dated 17/04/2025 )



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ORDER

IN

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Date :17/04/2025

NBF/SAR/ (17/04/2025) 7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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