



CRL.OP(MD). No.6623 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6623 of 2025

Vidya

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(Crime No.117 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.117 of 2025 on the file of the respondent-police.

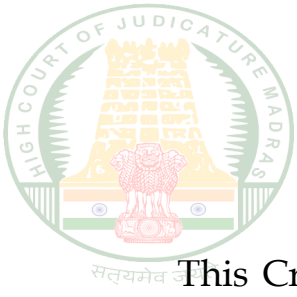
For Petitioner : Mr.K.M.Karunakaran,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

For Intervener : Mr.C.Senthil Murugan,
Advocate

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



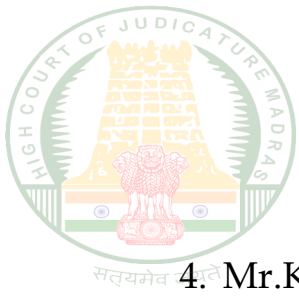
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This Criminal Original Petition has been filed by the petitioner on 07.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offence punishable under Sections 314 and 316(4) of BNS, 2023, in Crime No.117 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant lodged a complaint against the petitioner before the respondent-police. He stated that he runs the SKM Hygienic Meat Store located at Kaveri Complex, Kaveri Nagar. The petitioner had been employed as the Manager of the said store. Upon verifying the store's accounts, the defacto complainant noticed a discrepancy in the funds. Consequently, he conducted an inquiry with Rasi Unavagam and Thekkan Café, from whom payments were due. However, both establishments informed him that they had already settled the outstanding amounts directly with the petitioner. It was subsequently revealed that the petitioner had misappropriated a sum of Rs. 81,640/- from the SKM Hygienic Meat Store. Hence, the case.



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4. Mr.K.M.Karunakaran, 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 and she has been falsely implicated in this case. He further submits that the respondent-police registered a case only for statistical purpose. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner had misappropriated a sum of Rs.81,640/- from the SKM Hygienic Meat Store. Therefore, he contends that, if the petitioner is granted pre-arrest bail, she will commit similar type of offence and therefore, the custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and



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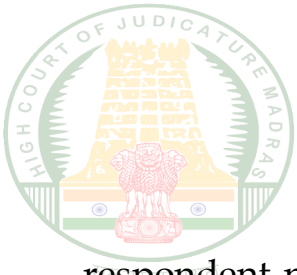
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therefore, there is less possibility for absconding. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Considering the same and taking into account of the fact that the petitioner is ready to deposit a sum of Rs.65,000/- (Rupees Sixty Five Thousand only), 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, Thanjavur, 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 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, Thanjavur.

(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 deposit a sum of Rs.65,000/- (Rupees Sixty Five Thousand only) to the credit of the Crime No.117 of 2025 on the file of the



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respondent-police, before the learned Judicial Magistrate No.II, Thanjavur. In turn, the learned Judicial Magistrate shall deposit the said amount 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.117 of 2025. The learned Judicial Magistrate shall decide qua entitlement of deposit amount at the time of passing final order / judgment.

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

(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, threat or promise to any person acquainted with the facts of the case so as to 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 witnesses and shall not tamper with 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.



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(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/-
09/04/2025

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

pal

To

1.The Judicial Magistrate No.II,
Thanjavur.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.



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3.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-4235[I] dated 15/04/2025)

ORDER
IN
CRL OP(MD) No.6623 of 2025
Date :09/04/2025

VN/06.05 .2025 7P/6C

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