



CRL OP(MD). No.7835 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Kavitha

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
In Crime No.446 of 2024

... Respondent/Complainant

For Petitioner : Mr.N.Anantha Padmanabhan,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.446/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 24.04.2025



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
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grant pre-arrest bail.

2. The petitioner / Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 406, 466, 471 and 420 of Indian Penal Code, 1860 in Crime No.446 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that one Sakthivel, who is the owner of the property to an extent of 96 cents in Survey No.224/4 (Old Enam No.47/1), Rettiyarpati Village, Palayamkottai Taluk, executed a joint power of attorney in favour of the petitioner on 01.03.2024. Based on the joint power of attorney, the petitioner executed a sale deed on 11.06.2024 in favour of two persons, viz., Abdul Kareem and Sheik Mohamed for a valuable consideration of Rs.39,86,000/-/- The sum and substance of the complaint filed by the defacto complainant is that the petitioner failed to remit the sale consideration to the defacto complainant. Hence the case.

4. Mr.N.Anantha Padmanabhan, 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 however submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-



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operate with the investigation. Therefore, he prays for granting pre-arrest bail to the
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petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police submits that the petitioner has failed to remit the sale consideration to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. It is seen from the records that the alleged transaction took place in the year June 2024. This Court is of the view that since the dispute between the petitioner and the defacto complainant is civil in nature, custodial interrogation of the petitioner is not necessary for the investigating agency.

8. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the above and with a view to give an opportunity to the petitioner to reform herself, 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 bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate I, Tirunelveli, within a period of 15 days from the date on which the order copy is made ready, on



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executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 I, Tirunelveli;

(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 I, Tirunelveli, 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 Saturday and Sunday) at 10.30 a.m., until further orders;

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

(v) 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;

(vi) The petitioner shall not leave India without the previous permission of the Court;

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

(viii) The petitioner shall furnish her residential address and mobile number



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to the learned Judicial Magistrate I, Madurai; and

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Madurai 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]*.

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

Sd/-

28/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar

(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai

TSG

TO

1.The Judicial Magistrate I,
Tirunelveli.

2.Do Through
The Chief Judicial Magistrate,
Tirunelveli.



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3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

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

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-4974[I] dated
29/04/2025)

ORDER
IN

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Date : 28/04/2025

BV(26/05/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.