

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.11131 of 2025

Afrosh @ Abburoj Raveyathu Bazariya

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram District.
(Crime No.91 of 2025)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.91 of 2025
on the file of the respondent police.

For Petitioner : Mr.D.Balamurugapandi,
Advocate

For Respondent : Mr.B.Thanaga Aravindh,
Government Advocate
(Criminal Side)



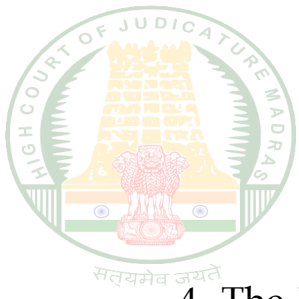
ORDER : The Court made the following order :-

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The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351(3) of the BNS, 2023, in Crime No.91 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, Southana Begam, lodged a complaint before the respondent police stating that the husband of the accused/petitioner is working abroad and has been sending money to his mother, who is currently under the care of the defacto complainant. In relation to this, a quarrel arose between the defacto complainant and the accused/petitioner. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that there are no previous cases against the petitioner. He would further submit that the injured was discharged from the hospital after undergoing treatment for four days. Hence, he seeks anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that the accused person abused the defacto complainant in filthy language and assaulted her with stones. He would further submit that there are no previous cases against the petitioner. He would further submit that the injured was discharged from the hospital after undergoing treatment for four days and however, he opposes the grant of anticipatory bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking note of the fact that there are no previous cases against the petitioner and also the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II,



Ramanathapuram, Ramanathapuram District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District and on further conditions that:

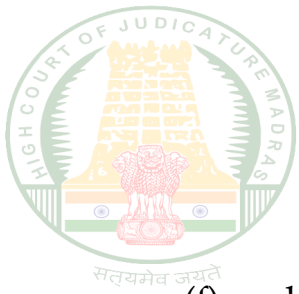
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b) the petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District. In the event of any change in her residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner shall not abscond either during investigation or trial.



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(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*.

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
02/07/2025

/ TRUE COPY /

/ /2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.



4 THE INSPECTOR OF POLICE,
ERWADI DHARGA POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S. BALAMURUGAPANDI.D. Advocate SR.No.7062

ORDER
IN
CRL OP(MD) No.11131 of 2025
Date :02/07/2025

MGJ/18.07.2025 6P/ 7C

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