



CRL OP(MD). No.13906 of 2025

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

Date : 26.08.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.13906 of 2025
and
CRL MP(MD).No.11492 of 2025

M.Thenmozhi

..Petitioner/ Accused No.1

Vs

State of Tamil Nadu
Rep by the Inspector of Police,
City Crime Branch,
Trichy City,
(Crime No.15 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.G.Mathavan
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

For Intervenor : Mr.J.Madhu

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :- For Bail in Crime No.15 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 30.07.2025 for the offences punishable under Sections 465, 468, 471, 408, 417, 420, 109 of IPC, in Crime No.15 of 2025 on the file of the respondent police, seeks bail,

2. The case of the prosecution is that the defacto complainant is the Managing Director and he and 14 doctors have been running a medical centre along with hospital for the past 9 years at Thillai Nagar and they formed another hospital along with Pharmacy in the name and style of Ponni Hospital at 1st Cross Thillai Nagar and in that pharmacy, the accused Nos.1,2 and 5 were working and on inspection, the said accused were misappropriated totally a sum of Rs.1,23,03,231 by non-crediting the amount paid by the patients for their medicines with the help of the accused No.3 and 4. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offences as alleged

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by the prosecution. He would further submit that the petitioner is no way connected with the case, a false case has been lodged as against the petitioner. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 30.07.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are totally 5 accused, the petitioner is arrayed as A1. He further submitted that the petitioner along with other accused persons have misappropriated the funds of the defacto complainant's hospital. He would further submit that the investigation is almost completed and that the petitioner is not having any previous cases. However, he objected to grant bail to the petitioner.

5. The learned counsel for the Intervenor/defacto complainant submitted that the petitioner along with other accused persons have swindled a sum of Rs.1,23,03,231/- from the defacto complainant's hospital. Hence, he oppose for grant of bail to the petitioner and submits that if the petitioner is ordered to be released on bail, she may be directed to deposit some amount.



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6. As per the law laid down by the Hon'ble Supreme Court in *Dilip Singh Vs. State of Madhya Pradesh and another* (Criminal Appeal No.53 of 2021 arising out of SLP (Crl) No.10484 of 2019 dated 19.01.2021), a Criminal Court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial.

7. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner was arrested on 30.07.2025 and the investigation has been almost completed and there is no previous case pending against the petitioner and also consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Trichy, and on further conditions that :-

[a] 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.



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[b] The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.1, Trichy.

(c) If the petitioner changes her residential address, she shall report the same to the learned Judicial Magistrate No.1, Trichy.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.m., until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.



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Accordingly, this Criminal Original Petition is allowed and CrI.MP(MD).

No.11492 of 2025 is closed.

sd/-
26/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSRM

TO

1 The Judicial Magistrate No.1,
Trichy.

2 Do Through
The Chief Judicial Magistrate,
Trichy District.

3 The Superintendent,
Central Prison For Women,
Trichy.

4 The Inspector of Police,
City Crime Branch,
Trichy City,

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



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ORDER
IN
CRL OP(MD) No.13906 of 2025
Date :26/08/2025

NM/28.08.2025/ 7P/7C

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