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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 16.10.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.17862 of 2025

Elakiya ... Petitioner

Vs.

The Inspector of Police,
Devethanapatti Police Station,
Theni District.
(Crime No.289 of 2025) ... Respondent

For Petitioner : M/s.A.Saran Kumar

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Cr.No. 289 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 15.09.2025 for the offences punishable under Sections 194(3) @ 108 of BNS Act, in Crime No. 289 of 2025, on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner is wife of the deceased. Due to illicit relationship with the petitioner's college mate, the petitioner's husband wrote a suicide note and committed suicide by hanging himself. Hence, this case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, she has been arrested and she is languishing in jail from 15.09.2025. Therefore, she prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the investigation is still pending.

5.Considering the facts and circumstances and considering the duration of the custody, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with

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two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam, and on further conditions that,

a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

b)the petitioner shall report before the respondent police daily at 10.30 a.m., for one week and thereafter, at 10.30 a.m., before the Usilampatti Town P.S.., until further orders;

c)the petitioner shall not tamper with evidence or witness;

d)the petitioner shall not abscond during trial;

e)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

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[(2005)AIR SCW 5560].

f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

16.10.2025

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TO

1. The Judicial Magistrate Court, Periyakulam,

2. The The Inspector of Police,
Devethanapatti Police Station,
Theni District.

3.The Superintendent, Special Prison for Women, Nilakottai.

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

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ORDER
IN
CRL OP(MD) No.17862 of 2025

Date : 16.10.2025

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