



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.13662 of 2026

Habibi Nisha Begum
W/o. Kadar Mohaideen,
No.46/2026, Kamal Batcha Colony,
Therkukadu,
Muthupettai Taluk,
Thiruvarur District

..Petitioner/Accused

Vs.

State rep. By
The Inspector of Police
Muthupettai Police Station,
Thiruvarur.
Crime No.130 of 2026

..Respondent/Complainant

Prayer: This Criminal Original Petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the Petitioner on bail in Crime No.130 of 2026 on the file of the Respondent Police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl.Side)



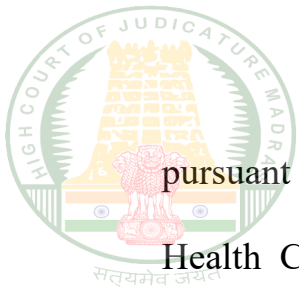
ORDER

WEB COPY

This Criminal Original Petition has been filed by the Petitioner on 19.05.2026 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The Petitioner/Accused was arrested and remanded to judicial custody on 20.04.2026, for the alleged offences punishable under Sections 109(1), 118(1), 296(b), 351(3) & 61 of BNS, 2023, in Crime No.130 of 2026 on the file of the Respondent-Police.

3. The case of the prosecution is that on 19.04.2026, at around 1.15 p.m., the Petitioner's father viz., Kamal Batcha and Petitioner's son viz., Absar Kamal assaulted the *de facto* complainant's husband, Mr.Lebbai Thambi with a knife on his head and caused grievous injury to him. That apart, the said Kamal Batcha and Absar Kamal abused the *de facto* complainant's husband in a filthy language; criminally intimidated him and also, threatened him with dire consequences. The *de facto* complainant who went to the place of occurrence had admitted her injured husband in the Government Primary Health Centre, Muthupettai for treatment. The Respondent Police was informed about the alleged occurrence by the Government Primary Health Centre, Muthupettai,



pursuant to which, the Respondent Police went to the Government Primary Health Centre, Muthupettai and enquired the *de facto* complainant and her injured husband. During enquiry, the *de facto* complainant had given a written complaint to the Respondent Police. Based on the complaint given by the *de facto* complainant, the Respondent-Police registered a case against the accused.

4. Mr.R.Parthiban, 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. The Petitioner has no previous criminal antecedents. He further submits that the Petitioner and the *de facto* complainant are relatives; Petitioner is the sister-in-law of *de facto* complainant; Petitioner's son Absar Kamal is one of the accused in this case; since there was a previous enmity between the Petitioner's son and *de facto* complainant, Petitioner has been falsely implicated in this case. He also submits that the Petitioner has been under the judicial custody since 20.04.2026 and she is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, the learned counsel prays to grant bail to the Petitioner.

5. *Per contra*, Mr.L.Baskaran, the learned Government Advocate (Criminal Side) appearing for the Respondent-Police submits that on the alleged date of occurrence, the Petitioner's father as well as the Petitioner's son attacked the *de facto* complainant's husband with a knife and caused grievous



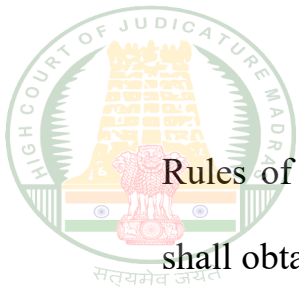
injury on his head. He further submits that the Petitioner also made attempts to murder the *de facto* complainant's husband. Therefore, the learned Government Advocate (Crl.Side) submits that he has strong objection to grant bail to the Petitioner and also, he prays to dismiss this petition.

6. Heard the learned counsel on both sides. This Court has perused all the materials available on record.

7. The Petitioner was arrested on 20.04.2026. The Petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the period of incarceration undergone by the Petitioner and taking note of the fact that the Petitioner has no previous criminal antecedents, this Court is of the view that further custody of the Petitioner is not necessary in this case. Hence, this Court is inclined to grant bail to the Petitioner, subject to the following conditions:

(i) The Petitioner shall execute a bond for 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, Thiruthuraipoondi.

(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, Thiruthuraipoondi shall obtain a copy of any one of their identity proofs to ensure their identity.

WEB COPY

(iii) The Petitioner shall stay at Thanjavur Town and shall appear and sign before the learned Judicial Magistrate No.I, Thanjavur daily twice at 10.00 a.m., and 5.00 p.m., until further orders.

(iv) The Petitioner shall furnish her residential address and mobile numbers to the learned Judicial Magistrate, Thiruthuraipoondi.

(v) The Petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023.

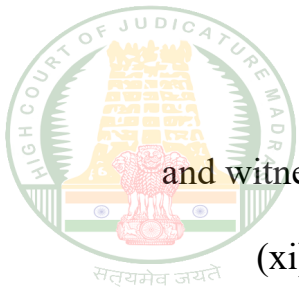
(vi) The Petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected.

(vii) 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The Petitioner shall also not directly or indirectly, cause any threat to the *de facto* complainant, victim and witnesses.

(ix) The Petitioner shall not enter into the *de facto* complainant's house or her work place.

(x) The Petitioner shall not try to contact the *de facto* complainant, victim



and witnesses either directly or through any electronic mode.

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruthuraipoondi or Trial Court is entitled to pass appropriate orders against the Petitioner, in accordance with law, as if the aforementioned conditions are imposed by them 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*.

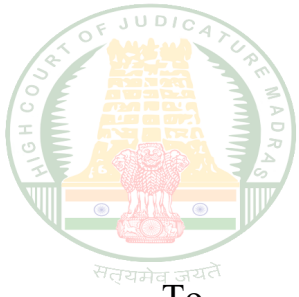
21-05-2026

mrr

Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To
WEB COPY

- 1.The Judicial Magistrate,
Thiruthuraipoondi.
- 2.The Superintendent,
Special Women Prison,
Tiruvarur.
- 3.The Inspector of Police
Muthupettai Police Station,
Thiruvarur.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY

Crl.O.P.No.13662 of 2



R.SAKTHIVEL, J.

mrr

Crl.O.P.No.13662 of 2026

21-05-2026