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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32296 of 2026

Aswinitha,
W/o.Late Elaiyaraja,
Residing at 3/588,
North Street, Orangur,
Veppur Taluk,
Cuddalore-606 108. ...Petitioner/Accused

Vs

The State Rep by its,
The Inspector of Police
Sirupakkam Police Station,
Cuddalore. ...Respondent/Complainant
Crime No.0101 of 2026.

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.0101 of 2026 pending investigation on the file of the respondent Police.

For Petitioner(s): Mr.A.M.Venkatakrishnan

For Respondent(s): Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side)

O R D E R

The Petitioner, who was arrested and remanded to judicial custody on 23.08.2026 for the alleged offence under Sections 103(1), 115(2), 238, and 296(b) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.0101 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner and A1, Venkatesan, who is the deceased's paternal aunt's son, were allegedly having an illicit relationship, and the deceased Elaiyaraja stood in the way of their relationship. Hence, the petitioner and A1 allegedly conspired to murder the deceased. In furtherance of their conspiracy, A1 and A2 allegedly offered liquor to the deceased, thereafter took him in a car and pushed him into a well, resulting in his death. Initially, a case was registered under Section 194 of the BNSS, which was subsequenlty altered to Sections 103(1), 5(2), 238 and 296(b) of the BNS, 2023.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody since 23.08.2026. He also further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the investigation is still pending. Hence, he opposed the grant of bail to the petitioner.

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5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. Considering the nature of the allegations and the period of incarceration already undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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, Virudhachalam,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in acc with law as if the

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aforementioned 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)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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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

1. The Judicial Magistrate No.1,
   Virudhachalam.

2. The Inspector of Police
   Sirupakkam Police Station,
   Cuddalore.

3. The Superintendent,
   Women Prison, Vellore.

4. The Public Prosecutor,
   High Court, Madras.

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N.RAMESH, J.

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