

(2026) 01 MAD CK 1837

In the Madras High Court

Case No : Criminal Original Petition No. 1670 Of 2026

Durga

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 27-01-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 103, 269, 296(b)

Citation : (2026) 01 MAD CK 1837

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : A.Balakumar, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 18.12.2025 for the offences punishable under Sections 296(b) and 103 of BNS, 2023 in Crime No.240 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that, she being the wife of the deceased, due to get the instance benefit, she had assaulted him and committed murder by strangulation. Hence, a case has been registered and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner, being a lady, was subjected to continuous harassment by her husband, which allegedly provoked the incident. He further submitted that the petitioner has two children, who are being taken care of. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the investigation is still pending. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, the nature of the allegations, the motive behind the occurrence and the petitioner being a lady and also considering the period of her incarceration, this Court is inclined to grant bail with 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.2, Tiruvannamalai, 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;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[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 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];

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