

(2025) 11 MAD CK 2020

In the Madras High Court

Case No : Criminal Original Petition No. 32338 Of 2025

Roja

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 26-11-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 61(2), 103(1), 269, 296(b)

Citation : (2025) 11 MAD CK 2020

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : M.P.Saravanan, A.Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 27.09.2025, for the alleged offence punishable under Sections 103(1), 296(b) of BNS Act @ 103(1), 296(b), 61(2) of BNS Act, in Crime No.388 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that she was having an extra marital relationship with one of the co-accused, which was objected by the defacto complainant, who is the petitioner's own brother. It is further alleged that the petitioner, hatched conspiracy with A1 and A2, accordingly A1 and A2 went to the house of the deceased, developed a quarrel, and attacked him with aruval, resulting in his death. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a lady and that it is alleged she actively participated in the conspiracy, and there is no material to establish the same. He further submitted that a false motive was created for the arrest of the petitioner and that she is in judicial custody from 27.09.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police

reiterated the prosecution case and submitted that there are three accused in this case and that A1 and A2, who directly attacked the deceased and they have been detained under Act 14 of 1982 as Goondas. The petitioner herein is ranked as A3, and she is alleged to have conspired with other accused to commit the offence. Hence, he opposes 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 fact that the petitioner is a lady and she is in judicial custody from 27.09.2025 and taking into account that she is not alleged to have directly participated in the attack but she only involved in the alleged conspiracy, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate No.I, Hosur, 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 concerned Court daily at 10.30 a.m., for a period of four 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.