

TNMD010015702026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Tuesday, this the 10th day of March, 2026.

CrI.M.P.No.977/2026

CNR No.TNMD010015702026

Divya Selvaraj, W/o.Charles

... Petitioner/Accused.

Vs

Vigneshwaran, S/o.Somasundaram

...Intervene Petitioner.

State through the Inspector of Police,

South Gate P.S. in Cr.No.26/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.C.Nishanth Periyaarasu, Advocate for the petitioner, Thiru.K.Chandrakumar, Advocate for the intervene petitioner, and of Public Prosecutor for the State, this court passed the following:

Order

1. Bail application u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).
2. The learned counsel for the intervening petitioner/defacto-complainant has filed an intervening petition and he is permitted to assist the Public Prosecutor.
3. Heard both sides.
4. The learned counsel for the petitioner/accused would submit that the respondent police has registered a case in Crime No.26/2026 for the offence u/s 318(4) of BNS against the petitioner and others. The respondent police arrested the petitioner and remanded to judicial custody on 20.02.2026 and is in custody for the past 19 days. The petitioner is innocent and she has not committed any offences as alleged. In fact A1, was operating a gold loan business in the name and style "NVS JEWELS" in which he has added the petitioner as a Partner, and in the course of such business dealings, he had instructed the defacto-complainant to deposit the alleged sum of money into the bank account pertaining to the said establishment on

various occasions. A1 alone has knowledge about the business transactions. Owing to delay in the delivery of the gold biscuits, a dispute arose between the defacto-complainant and A1. The petitioner/A3 was neither a participant nor privy to the said transactions or the subsequent dispute, and was wholly unaware of the same. On 11.05.2025, the defacto-complainant, accompanied by three unidentified persons, unlawfully trespassed into the residence of the petitioner and criminally intimidated her husband by threatening him with dire consequences and asserting that he possessed considerable influence in Madurai and would initiate false criminal proceedings against him. Under such coercion, threat, and intimidation, the said persons forcibly obtained post-dated cheque leaves from A3 and A1, each for a sum of Rs.12,50,000/-, and also took away the NEXON car belonging to A1 without lawful authority. Thereafter, a complaint was lodged in respect of the said incident, and the same is presently pending enquiry before the R.S. Puram Police Station. Instead of presenting the said cheques for collection in accordance with law and, if dishonoured, proceeding under Section 138 of the Negotiable Instruments Act, the defacto complainant, out of vengeance owing to the complaint lodged before the R.S. Puram Police, has maliciously initiated proceedings under Section 318(4) of BNS with an ulterior motive to harass the petitioner. Owing to certain matrimonial disputes, the petitioner has been residing separately from her husband (A1) for the past four months at Singanallur, and that there has been only minimal communication between them during the said period. Thereafter, the defacto complaint used his influence and registered the false FIR against the petitioner and the other accused, who is no were connected to defacto-complainant The Respondent police had trespassed into the petitioner's house jumping into the compound wall, without proper uniform (Mufti) without name badge, had forcibly plucked the mobile phones from the petitioner and had taken her in Jeep, 1 K.M away from the petitioner's residence and thereafter, she was informed that she had been arrested. The respondent police violated the guidelines of arrest as per D.K.Basu's case. The petitioner is a deserted woman, she is the mother of 2

children aged below 10 years and she has to take care of them. The petitioner will co-operate for the investigation. A1 was granted anticipatory bail by the Hon'ble Madurai Bench of Madras High Court. The petitioner has not filed similar petition before the Hon'ble Madurai Bench of Madras High Court or any other court. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

5. The learned Public Prosecutor has submitted that totally there are 3 accused in this case and the petitioner is A3. As per the case of the prosecution, the defacto-complainant is engaged in the gold business. On 27.03.2025, the first and second accused approached the defacto-complainant, representing that they were also engaged in the same business and that they could procure gold from abroad and sell the same at the prevailing online market rate. Believing their representation, the defacto-complainant agreed to enter into the said business transaction. Thereafter, the first accused demanded a sum of Rs.2,00,000/-, which was paid in cash. In addition, a sum of Rs.17,00,000/- and Rs.6,00,000/- was transferred to the bank account of the third accused, who is the wife of the first accused. Subsequently, despite assurances, the accused neither purchased the gold nor returned the amount. On repeated demands, the first accused handed over a Nexon car and assured that the jewels would be returned on or before 27.03.2024. However, the accused failed to repay the total sum of Rs.25,00,000/-. Hence, the complaint. Investigation is pending and objected to grant bail to the petitioner.

6. The learned counsel for the intervening petitioner would further submit that the accused persons have promised to repay the amount and handed over their car and later they refused to repay the amount. The petitioner is one of the partners of the company and amount has been sent to the petitioner's account as directed. One more case of similar offence is pending against the accused persons in Coimbatore District. Investigation is at early stage. At this stage, if the petitioner is released on bail, there is a chance of tampering the evidence and prayed to dismiss the petition.

7. Rival contentions are taken into consideration. The alleged offence against the petitioner/accused are u/s 318(4) of BNS. As per prosecution, A1 to A3 have collected a sum of Rs.25 Lacs from the defacto-complainant on the pretext of investment in gold business and that subsequently, they returned neither the money nor the gold as promised.

8. It is the case of petitioner/A3 that the petitioner has not received any amount from anybody at any point of time and that all the allegations are against A1 only and prayed to consider her remand period. Per contra, the learned counsel for the intervenor submitted that the petitioner is one of the partners of the company and amount has been sent to the company's account as directed by the petitioner through bank account. The learned Public Prosecutor submitted that investigation revealed that a sum of Rs.23 Lacs was credited to the petitioner's bank account, which was already withdrawn by her. Under such circumstances, the arguments advanced on the side of petitioner/A3 that she is in no way connected with the money transactions, is untenable. The role of petitioner/A3 in commission of the offences is elucidated on the side of prosecution. Investigation is at early stage. Huge amount seems to be involved. Cheated amount is not yet recovered. One more previous case of similar offences is stated to be pending against the accused persons. Considering the above facts, the specific overt act attributed against the petitioner and the strong objections placed on the side of prosecution, this court is not inclined to grant bail to the petitioner at this stage and accordingly, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on the 10th day of March, 2026.

Principal Sessions Judge,
Madurai

Copy to : The J.M.No.4. Madurai.