



In the Court of the Principal Sessions Judge, Madurai.

Present : **Thiru. S. SHUNMUGAVEL B.A., B.L.,**
(II Additional District Judge (CBI Cases) , Madurai)
Principal Sessions Judge (i/c), Madurai.
(Authorised U/s.8(8) of BNSS)

Tuesday, this the 17th day of March, 2026.

CrI.M.P.No.1109/2026

CNR No.TNMD010018262026

Yogalakshmi, W/o.Satheesh ... Petitioner/Accused.

Vs

Sangeetha, W/o.Balamurugan ...Intervene Petitioner.

State through the Inspector of Police,
CCB Madurai City P.S. in Cr.No.38/2025 ... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.R.V.Parirajan, Advocate for the petitioner, Thiru.M.Palani, 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 against the petitioner in Cr.No.38/2025 for the offence u/s 420 of IPC. The respondent police arrested the petitioner and remanded to judicial custody on 02.03.2026 and is in custody for the past 16 days. The petitioner is innocent and she has not committed any offences as alleged. The case would have been registered under BNS, but it was registered under IPC, which itself is not correct. It is alleged that the defacto-complainant has sent Rs.50 Lacs to the petitioner, which is not true. Whereas, the defacto-complainant sent the amount to the relatives of the defacto-complainant and not to the defacto-complainant. At

one stage, when the matter was negotiated, the defacto-complainant obtained Promissory note from the defacto-complainant for the entire amount. Even based on the Promissory note, the defacto-complainant has every right to initiate civil proceedings, but criminal colour is given and come up with the present false complaint. 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 and the learned counsel for the intervenor submitted that it is a case of single accused, who is the petitioner herein. As per the case of the prosecution, the petitioner and the defacto-complainant are neighbours. The petitioner was in need of money for construction of house and for that purpose, the petitioner approached the defacto-complainant and others and received money from them. Accordingly, the defacto-complainant paid Rs.50 Lacs in various instalments from 28.10.2024 to 05.12.2024 and the petitioner promised to repay the amount within January, 2025 and executed a promissory note to that effect. But the petitioner has not repaid the amount and thereby cheated the defacto-complainant. Hence, the complaint. Cheated amount is not yet recovered. Investigation is pending and objected to grant bail to the petitioner.

6. The learned counsel for the intervening petitioner would further submit that as per the instructions of the petitioner herein, the defacto-complainant has transferred the amount to the bank account of her relatives and subsequently, they have transferred the said amount to the petitioner and she enjoyed the same. Initially, the petitioner promised to give the sale deed of the concerned property to the defacto-complainant, but did not do so and she sold the same to somebody. Moreover, the petitioner and her family members conspired and involved in similar offences and cheated so many persons and complaints and criminal cases are pending before police stations and courts respectively. The petitioner is a habitual offender, if she is released on bail, the amount could not be recovered and she will abscond from the process of law and prayed to dismiss the petition and produced copy of relevant documents.

7. Rival contentions are taken into consideration. The alleged offence against the petitioner/accused is u/s 420 of IPC.

8. It is the case of petitioner/accused that the defacto-complainant transferred amount to the bank account of the relatives of the petitioner, the case was registered u/s 420 of IPC, but, even as per prosecution, the case should have been registered under BNS. The counsel for the intervening petitioner submitted that the petitioner and her family members are in the habit of cheating the public by way of collecting money from various persons in the same manner and abscond and this is the modus operandi of the petitioner and her relatives and that from the defacto-complainant, the petitioner and her relatives collected a sum of Rs.50 Lacs and during the police enquiry, the petitioner agreed to return the entire amount and executed a promissory note and did not return the amount as promised during the course of enquiry. The learned counsel appearing for the petitioner further submitted that if the defacto-complainant obtained demand Promissory Note, he should have filed civil suit and should have given colour of criminal nature. The learned Public Prosecutor strongly objected stating that the petitioner has not repaid the amount of Rs.50 Lacs as agreed between the parties and that many cases are pending against the petitioner and her relatives in similar nature. To substantiate the same, the learned counsel for the petitioner produced copy of relevant documents in respect of complaints/cases pending against the petitioner and her relatives for the offence of similar nature. The petitioner is in custody only for 16 days. Material part of investigation is not yet completed. Cheated amount is not yet recovered. Considering the above facts, the involvement of huge amount, the pending stage of investigation 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 17th day of March, 2026.

Principal Sessions Judge (i/c),
Madurai

Copy to : The J.M.No.1. Madurai.