

TNMD010033682026



In the Court of the Principal Sessions Judge, Madurai.

Present : THIRU. M.SAISARAVANAN., M.L.,

Principal Sessions Judge, Madurai.

Friday, this the 12th day of June, 2026.

CrI.M.P.No.2588/2026

CNR No.TNMD010033682026

Vijayalakshmi, W/o.Dhanasekaran

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Thirumangalam Town P.S. in Cr.No.67/2026

... Respondent/Complainant.

This e-petition coming on today for hearing before me in the presence of Thiru.M.Mohamed Rafi, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

Order

1. Anticipatory Bail application u/s 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both.

3. The learned counsel for the petitioner/A2 would submit that this is 3rd petition of the petitioner and that the respondent police has registered a case against the petitioner and another in Cr.No.67/2026 for the offences u/s. 316(2) and 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023. The alleged occurrence is said to have taken place on 15.10.2025. F.I.R. was registered on 24.02.2026. The petitioner is innocent and she has not committed any offences as alleged by the prosecution. The petitioner is running a jewelry shop in the name of Sri Vari Jewellery at her house. The petitioner and A1 are partners. The defacto-complainant has given jewels and cash to A1 only. The petitioner is in no way connected with this case and she has been falsely implicated in this case. There is no specific overt act as against the petitioner. Already co-accused/A1 was arrested and released on bail by the concerned Judicial Magistrate. Investigation is almost over. The petitioner has not filed similar petition before the Hon'ble Madurai Bench of Madras High Court or

any other court. The petitioner apprehends arrest at the hands of police. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

4. The learned Public Prosecutor submitted that totally there are 2 accused involved in this case and the petitioner is A2. As per the case of the prosecution, the defacto-complainant's wife and A1's wife are friends, while they have taken treatment in hospital. By utilizing the said friendship, both accused went to the defacto-complainant's house and told that if he gave old gold jewels, within 60 days they would given new design gold jewels without making charges. Believing the words of the accused, the defacto-complainant has given totally 11-1/2 sovereign old jewels and cash Rs.5 lacs to A1, in the presence of A2. For which, both accused have executed an agreement deed. On 11.12.2025, A1 has received a sum of Rs.6 Lacs from the defacto-complainant, for which, A1 has given a Federal Bank cheque for a sum of Rs.7 lacs. On 30.12.2025 when the defacto-complainant presented the above said cheque for collection, the same was returned as "insufficient fund". When the defacto-complainant informed the same to the accused persons, they have promised that they will return the amount on or before 31.01.2026. But, they have not returned the amount till this date. Moreover, neither the accused persons return the old jewels nor given the new jewels. Hence, the complaint. Cheated jewels and amount are not yet recovered. Investigation is pending and strongly objected to grant anticipatory bail to the petitioner.

5. Rival contentions are taken into consideration. The alleged offences against the petitioner are U/s. 316(2) and 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023. The alleged occurrence is said to have taken place on 15.10.2025. This is 3rd petition of the petitioner. The learned counsel for the petitioner contended that the defacto-complainant has given jewels and cash to A1 only, the petitioner is in no way connected with this case and she has been falsely implicated in this case. On the other hand, the learned Public Prosecutor raised strong objections stating that both accused cheated the jewels of the defacto-complainant and also a sum of Rs.6 Lacs, they were not yet recovered and investigation is

pending. It is a case of cheating and misappropriation of jewels and cash of the defacto-complainant. Nothing was recovered till this date. Earlier petitions dismissed by this court on 02.04.2026 and 29.04.2026. The learned Public Prosecutor submitted that there is no change of circumstances after dismissal of earlier petitions. The Hon'ble Supreme Court of India in the decision reported in 2005(2) SCC 42 Chandra Sarkar /vs/ Pappu Yadav held that "*unless there is substantial change of circumstances, the second or successive bail application is not maintainable*". In this case, the petitioner has not shown any substantial change of circumstances enabling to seek anticipatory bail. As such, this successive bail application is not maintainable. More over, the Hon'ble Supreme Court of India in the decision reported in 2026 Live Law SC 170 Rakesh Mittal /vs/ Ajay Pal Chaudhary and another held that "*the principles governing bail in heinous offences apply with equal force to serious economic offences.*" Custodial interrogation of the petitioner is very much essential. Investigation is at earlier stage. Considering all these aspects, the serious nature of economic offences, strong objections raised on the side of prosecution and the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner at this stage, accordingly, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on the 12th day of June, 2026.

Principal Sessions Judge,
Madurai

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