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CRL OP No. 22078 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 22078 of 2026

Subitha
W/o. Pazhaniyappan,
No.15/3, Sippuliyur,
Mylailaduthurai,
Thiruchitrambalam,
Nagapattinam-609 202

..Petitioner(s)

Vs

The State rep by its, The Sub Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
Crime No. 161 of 2026.

..Respondent(s)

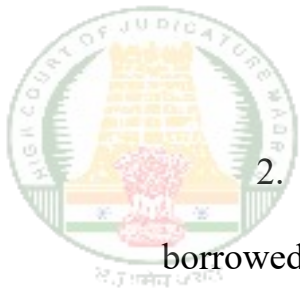
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail Crime No.161 of 2026 on the file of respondent police and pass such or other orders may deem fit and proper pending and thus render Justice.

For Petitioner(s): M/s. N.Ranganathan

For Respondent(s): Mr.M.M.I.Khaleel, Govt.Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2026 for the alleged offence under Section Women Missing @ under Section 9 of TNPC Exorbitant Interest Act and 108 of BNS Act, in Crime No.161 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the deceased, Geetha Rani, had borrowed a sum of Rs.1,50,000/- from the petitioner and was unable to repay the same. When the petitioner demanded repayment, a wordy quarrel ensued, during which, the petitioner abused the deceased in filthy language. Unable to bear the said incident, the deceased committed suicide on the next day. Hence, the present case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been arrested and remanded to judicial custody since 28.07.2026 and that he has been falsely implicated in the present case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and opposed the grant of bail. He further submitted that, as per the FIR, there is a specific overtact attributed against the petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.



6. In this regard, the Hon'ble Supreme Court in the case of **Abhinav Mohan Delkar Vs. State of Maharashtra (2020) 6 SCC 233**, held that, to constitute abetment of suicide, there must be a positive act of instigation or intentional aid, coupled with clear mens rea and a proximate nexus with the suicide. The relevant para is extracted hereunder:

“20. .. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the Accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide”.

7. In the light of the above legal position, this Court finds that the materials available on record do not prima facie, disclose the requisite mens rea or a proximate and live nexus between the conduct attributed to the petitioner and commission of suicide by the deceased. Thus, the essential ingredients of the offence of abetment of suicide are not prima facie made out. Considering the nature of the allegations, the absence of the aforesaid essential ingredients and the period of incarceration already undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Principal District and Session Judge, Cuddalore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;**

[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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Principal District and Session Judge,
Cuddalore.

2. The Sub Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.

3. The Superintendent,
Central Women Prison, Cuddalore.

4. The Public Prosecutor,
High Court, Madras.



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N.RAMESH, J.

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