



Crl.O.P.No.2439 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2439 of 2025

1. Srinivasan

2. Lakshmi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.01 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with the Crime No.01 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 03.01.2025, seeking bail in



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Crime No.01 of 2025 registered under Section 194(3)(i) of BNSS and thereafter, altered for the offence under Section 108 of BNS.

2. The case of the prosecution is that the first petitioner/A1 and the victim/deceased got married on 27.10.2023 and since the victim/deceased suspected that A1 having an illicit relationship with some other person, there was a frequent quarrel between them, due to which, A1 assaulted her. Thereby, on account of that, the victim had consumed poison and committed suicide. Hence the case.

3. Learned counsel appearing for the petitioners submitted that it is a case where the victim committed suicide due to a matrimonial dispute and the petitioners had not abetted the victim for commission of suicide. Thereby, he prayed for grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police produced the dying declaration of the deceased/victim, in which, she had stated that she was upset since her husband/A1 did not allow her to visit her parents house and also, he did not take care of her when she got hurt two weeks before the attempt. Hence, he opposed for grant of bail.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused



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the materials available on record.

6. This court is of the prima facie view that the dying declaration does not suggest the commission of the offence under Section 108 of BNS. In any case, it is for the respondent to establish the offence before the trial Court. Considering the above facts and the period of incarceration, this Court is of the opinion that the further custody of the petitioners is not required for the purpose of investigation. Therefore, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Harur**, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners shall not tamper with 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

31.01.2025

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To

1. The Judicial Magistrate, Harur.
2. The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
3. The Superintendent,
Sub Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

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