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Crl O.P.No.2558 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2558 of 2025

1.Nagammal

2.M.Devarajan

.. Petitioners/Accused (A2 to A3)

Vs.

The State rep by
Inspector of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
(Crime No.45/2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event
of their arrest in Crime No.45 of 2025 on the file of the respondent Police.

For Petitioners : Mr.V.R.Appaswamee

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 108 and 62 of BNS, in Crime
No.45 of 2025, seek anticipatory bail.



2. The case of the prosecution is that the victim/*de-facto* complainant was already a married woman; that she was friendly with the A1 and had a sexual relationship with him; that in January 2025, the second son of the *de-facto* complainant saw the A1 and the *de-facto* complainant in a compromising position and informed his brother/elder son of the *de-facto* complainant and thereafter, the petitioners abused the victim/*de-facto* complainant and unable to bear the humiliation, the victim committed self immolation. Hence, the case.

3. The learned counsel for the petitioners, would submit that the petitioners have not committed any positive act to abet the commission of suicide; that since the *de-facto* complainant felt humiliated, she committed suicide; that the *de-facto* complainant was aggrieved by the fact that A1 was getting married to another person; and that the allegations against them are false and the petitioners are not aware of the relationship between A1 and the *de-facto* complainant and in any case, the custodial interrogation of the petitioners is not required. Hence, he prayed for the grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side), *per contra*, submitted that the victim is taking treatment, and her statement was also recorded by the learned Magistrate, in which it is stated that she was aggrieved by the conduct of A1, and hence, she attempted suicide.

5. Heard both sides and perused the materials available on record.

6. This Court is of the view that it appears to be a case of a consensual relationship between A1 and the victim/*de-facto* complainant. Further since the children of the victim had witnessed the victim in a compromising position, the petitioners accused the victim and the occurrence is said to have taken place thereafter. It is for the prosecution to establish that the petitioners committed the alleged offences before the trial Court.

7. Considering the nature of the allegations and the petitioners are not aware of the relationship between A1 and the victim/*de-facto* complainant, the custodial interrogation of the petitioners is not required for the purpose of the investigation. Hence, this Court is inclined to grant anticipatory bail to the



petitioners with certain conditions.

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8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Cheyyar**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition 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;

[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



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appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]***;

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

05.02.2025

Index : Yes / No
Internet : Yes / No
dpa

To

1. The Inspector of Police,
Anakkavoor Police Station,
Thiruvannamalai District.
2. The Judicial Magistrate, Cheyyar.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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