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CRL OP No. 12505 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12505 of 2025

1. Sambath

S/o.Kolanchinathan @ Karunakaran,
No 22 Sivanpadai Street Villupuram

Petitioner(s)

Vs.

1. State Rep. By The Inspector of
Police,
Villupuram West Police Station,
Villupuram District. (Crime No. 348 of
2024)

Respondent(s)

PRAYER To enlarge the petitioner on bail, in the event of his arrest by the Respondent Police, pending investigation of the case in Crime No.348 of 2024 on the file of the Respondent.

For Petitioner(s): Vijayaragavan Marimuthu

For Respondent(s): S.Balaji, Government Advocate
(Crl.side)

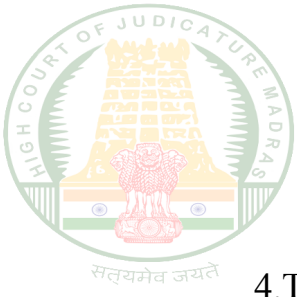
**ORDER**

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The petitioner is apprehending arrest by the respondent police for the offences punishable under Sections 194(3) of BNSS, 2023 (old corresponding Section 174 of Cr.P.C) altered into u/s 85 and 108 of the Bharatiya Nyaya Sanhita (BNS), 2023 (old corresponding Sections 498A & 306 of IPC), in Crime No.348 of 2024, seeking anticipatory bail.

2.The case of the prosecution is that on 21.08.2024 a quarrel arose between the petitioner and the deceased in regard to petitioner's alleged illicit relationship with another woman, due to which, the deceased was depressed, poured kerosene, set herself ablaze and thus committed suicide.

3.The learned counsel for the petitioner would submit that the allegations are false that the petitioner had not abetted the commission of suicide; that in any case the allegations in FIR which was lodged by the deceased herself before her death do not constitute the offence of abetment of suicide or the offence of Section 85 of the BNS and submitted that the custodial interrogation is not required.



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4. The learned Government (Crl.side) for the respondent reiterated the prosecution case and submitted that the RDO enquiry was conducted and the RDO had reported that there is no *prima facie* evidence for dowry related harassment by the petitioner.

5. The deceased herself had lodged the complaint and later succumbed to the burn injuries. The allegations in the FIR reveal that the victim was upset with the petitioner because of his illicit intimacy with another woman. The allegation *prima facie* discloses matrimonial differences. The averments in the FIR is that the petitioner had taken the deceased to hospital. The RDO report reveals that there was no dowry harassment.

6. Considering the aforesaid facts, nature of allegations and since custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned Sessions Judge, Additional Mahila Court, Villupuram, on condition that the petitioner shall execute a bond for 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 petitioner shall report before the respondent police twice a week 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 evidence or witness



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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 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*** reported in [(2005)AIR SCW 5560];

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

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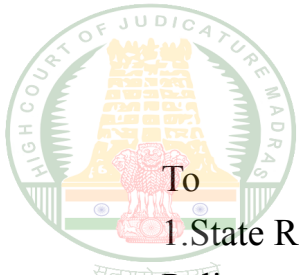
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.State Rep. By The Inspector of
Police,

Villupuram West Police Station,

Villupuram District. (Crime No. 348 of
2024)

2.The Sessions Judge, Additional

Mahila Court, Villupuram.

3.The Public Prosecutor,

High Court of Madras,

Madras.



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SUNDER MOHAN J.

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