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CRL OP No. 14990 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14990 of 2025

1. Kathavarayan

S/o. Chinnapaiyan, Door No.47,
Ambedkar Nagar,
Thirumalaisamuthiram,
Pethannaickainpalayam, Salem District.
Now confined at Central Prison, Salem.

Petitioner

Vs

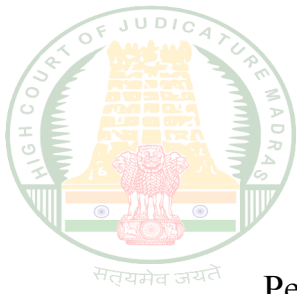
The Inspector of Police
Ethappur Police Station, Salem city.
Crime No.120/2025

Respondent

PRAYER To enlarge the petitioner on bail in Crime No.120/2025 pending on the file of the respondent and thus render justice

For Petitioner: Mr.M.Mohamed Saifulla

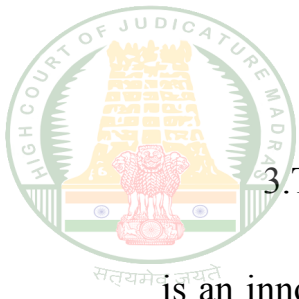
For Respondent: Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.side)

**ORDER**

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Petition seeking bail in connection with Crime No.120 of 2025 registered for the alleged offences punishable under Sections 108 of Bharatiya Nyaya Sanhita (BNS) 2023, further it was altered into Section 107 of BNS, 2023 is on board for consideration.

2.The prosecution alleges that the petitioner's daughter had a close relationship with the deceased, who was studying in the same school. The petitioner's daughter reportedly insisted on arranging a marriage between the deceased and her brother. On March 5, 2025, the deceased father did not permit her to go to school, and later, she was found dead by hanging from a fan. The prosecution claims that the petitioner's actions drove the deceased to commit suicide. Initially, the case was registered under Section 108 of the Bharatiya Nyaya Sanhita (BNS) against the petitioner and his children. However, after investigation, the charges were altered to Section 107 of BNS, and the petitioner's children were removed as accused.



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3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that he will abide by any condition that may be imposed by this Court. He would also submit that the petitioner has been suffering incarceration from 07.03.2025. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the respondent reiterated the case of prosecution and on instruction submitted that the investigation is still pending and opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, considering the nature of allegation against the petitioner, the submissions made by the learned counsels on either side and taking note of the fact that the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail



with the following conditions:

(1) The petitioner shall execute a bond for **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-I, Athur, Salem District;**

(2) **The petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.**

(3) 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 Metropolitan Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(4) The petitioner shall make himself available for interrogation by a Police Officer as and when required;

(5) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses;

(6) The petitioner to give an undertaking that if required for being

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identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by

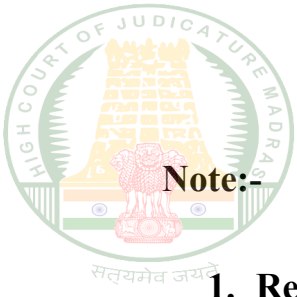
WEB COPY the Court in this regard;

(7) On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

(8) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.05.2025

gbi/ jai



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 official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate Court-I, Athur, Salem District.

2.The Inspector of Police,
Ethappur Police Station, Salem city. Crime No.120/2025.

3.The Superintendent, Central Prison, Salem.

4.The Public Prosecutor, High Court, Madras.



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M. NIRMAL KUMAR, J.

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