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Crl.O.P.No.17590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17590 of 2025

C.Pichandi

... Petitioner

Vs.

State Rep by
The Inspector of Police
Brammadesan Police Station
Villupuram District
Crime No.104 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail pending investigation in Crime No.104 of 2025 on the file of the respondent Police.

For Petitioner : Mr.M.D.Ilayaraja

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2025, for the offence punishable under Section 194 of BNSS altered into Section 108 of BNS (Section 306 of I.P.C) in connection with Crime No. 104 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that defacto complainant is the mother of the deceased and the petitioner is the husband of the deceased. When the deceased questioned the petitioner about his illicit relationship with another women, dispute arose between them. It is alleged in the FIR that on the date of occurrence, the petitioner and his family members attacked the deceased, caused blood injuries and hanged her. Hence, the case.

3 It is the contention of the petitioner that petitioner and his wife got married in the year 2012 out of their wedlock, they had two children and living peacefully. It is his contention that there was family dispute between them and the deceased, being a sensitive lady, had earlier committed suicide by consuming kundumani seeds later, she was saved. It is his contention that she is having suicidal tendencies and ultimately, committed suicide by hanging. It is his contention that his children were aged about 12 years and 9 years and he is taking care of them. The defacto complainant is the mother of the deceased. Based on her complaint, he has been arrested by the respondent police.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner had an illicit relationship with another married woman which was objected by his wife and this led to frequent disputes between them and the deceased had earlier attempted suicide and but was saved in time. The petitioner is alleged to have abetted his wife in committing suicide. He also submitted that in this case, investigation has almost completed. Hence, he opposed for grant of bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and also the fact that the petitioner is taking care of his children, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned **Judicial Magistrate No.II, Villupuram** and on further conditions that:



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[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 appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being 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 the Court in this regard;

[f] 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]**;



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[h] 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 Judicial Magistrate No.II, Villupuram
2. The Inspector of Police
Brammadesan Police Station
Villupuram district.
3. The Superintendent,
District Prison, Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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