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Crl.O.P.Nos.20834 & 21590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.20834 & 21590 of 2025

Rajmohan

...Petitioner/A1
in Crl.O.P.No.20834 of 2025

Thirugnanam

...Petitioner/A2
in Crl.O.P.No.21590 of 2025

Vs.

The State Rep. by
The Sub Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
Crime No.160 of 2025

...Respondent
in both Crl.O.Ps'

Common Prayer: Criminal Original Petitions filed under Section 483 of BNS, to enlarge the petitioner on bail in connection with Crime No.160 of 2025 pending on the file of the respondent police.

For Petitioners	:	Mr.K.T.S.Sivakumar
For Intervenor	:	Mr.G.Murugendran
For Respondent	:	Mr.R.Vinothraja Government Advocate (Crl. Side)



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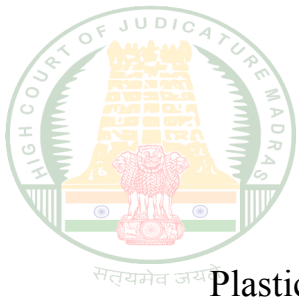
COMMON ORDER

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The petitioners/A1 and A2 were arrested and remanded to judicial custody on 04.06.2025 and 01.07.2025 for the offences punishable under Sections 194(3)(iii) of BNSS @ Section 103(1) of BNS @ Sections 80, 85 of BNS and 194(3)(iii) of BNSS Act @ Section 194(3)(iii) of BNSS @ Section 103(1) @ Section 194(3)(iii) of BNSS Act @ Section 103(1) of BNS @ Sections 80, 85 of BNS Act in Crime No.160 of 2025, on the file of the respondent, seeks bail.

2. The gist of the case is that on 03.05.2025, a complaint was received from the de facto complainant, the brother of the deceased. A case was registered under Section 194(3)(iii) of BNSS. By alteration report dated 04.06.2025, the case was altered to Section 103(1) of BNS. Subsequently, based on the RDO report dated 27.06.2025, the case was further altered to Sections 80 and 85 of BNS.

3. The case of the prosecution is that the de facto complainant's sister, Stephemetilda, and Rajmohan/A1 had a love marriage, which was held on 19.02.2024. Both were employed. Rajmohan working at Macro

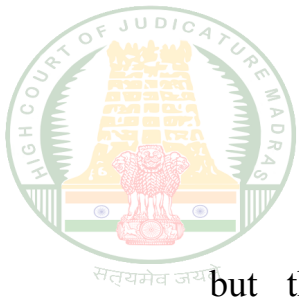


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Plastic Thirumudivakkam and Stephemetilda at Souther Land. The marriage was an inter-religious and inter-caste one. The deceased belonging to the Christian Adi Dravida Community and her husband and in-laws belonging to the Kallar Community. A girl baby, Yuthikasri, was born to them on 29.12.2024. The couple resided in Varatharajapuram Ashtalakshmi Nagar, Chennai, and had constant disputes. On 01.05.2025, at about 3:45 a.m., Karthik Mohan, the deceased's brother-in-law, called the de facto complainant, informing him that his sister was in a serious condition. The de facto complainant rushed to her house with a friend and found her in a critical state. Despite attempts at first aid (CPR), she was declared dead at Arul Hospital, Mudichur. A complaint was lodged, and based on the Postmortem report and RDO report, the case was altered from Section 194(3)(iii) of BNSS to Section 103(1) of BNS and subsequently to Sections 80 and 85 of BNS.

4. Learned counsel for the petitioners/A1 and A2 submitted that A1 and the deceased, Stephemetilda, had a love-cum-arranged marriage with both families aware of each other's social status. They lived happily and had a daughter. The case was projected as a dowry-related murder,



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but the RDO report revealed pre-marital misunderstandings over sridhana articles without any evidence of dowry demand. A1 was arrested on 04.06.2025. Regarding A2, the father-in-law, he visited Chennai from Sivaganga to care for the infant baby while both parents worked, showing love and affection. He further submitted that the petitioners are innocent, have not committed any offence, as alleged by the prosecution and have been falsely implicated in this case and are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioners.

5. Learned Government Advocate (Crl.Side) appearing for the respondent Police while opposing the grant of bail to the petitioners reiterated the prosecution case and submitted that the petitioner/A1 and the deceased had a love-cum-arranged marriage and a 4-month-old girl baby. However, there has been frequent quarrels over dowry demands by A1 and his family. On 01.05.2025, at about 3:45 a.m., a quarrel over dowry allegedly led to the assault, resulting in the deceased's death. The Postmortem certificate confirms multiple reddish-brown abrasions on her body, indicating severe injuries. He further submitted that the

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Investigation is at the initial stage.

6. Learned counsel appearing for the intervenor had filed his typed set stating that the RDO enquiry revealed a constant assault on the deceased by the petitioners. The enquiry examined several individuals, including neighbours, relatives, and the accused. The petitioners allegedly assaulted the deceased in an inhumane manner, ultimately leading to her death. The Postmortem certificate confirmed that the injuries were severe and could not have been inflicted by one person alone. The Postmortem and RDO reports are against the petitioners. Hence, he strongly opposed granting bail to the petitioners.

7. He further relied on the judgment of the Hon'ble Supreme Court in the case of Rajbir Alias Raju and Another Vs. State of Haryana reported in (2010) 15 SCC 116, which held as follows:

“If in a case the material on record suggest commission of an offence under Section 302 as well as Section 304B, the proper course would be to frame charges under both these sections and on establishing the prosecution's case, the accused can be convicted under both the sections but no separate sentence need be awarded under Section 304B in view of the substantive



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sentence being awarded for the higher offence under Section 302”.

8. It is further submitted that the police had alter the charges to Section 103(1) BNS (302 IPC) to Section 80 of BNS (304-B of IPC) even though murder incidence were attracted against A2 and the respondent deliberately alter the charges without considering the law as stated supra.

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

10. Considering the facts and circumstances of the case, it is observed that an inter-caste and inter-religion marriage had taken place. It is not in dispute that the petitioners resided with the deceased under one roof. On 01.05.2025, at about 3:45 a.m., when the de facto complainant visited, only A1 and the deceased was found at home and the deceased had sustained multiple injuries. The nature of the injuries suggests that they could not have been inflicted by one person alone. It is seen that the investigation is still in its initial stage, and the respondent police have rightly altered the charges from Section 194(3)(iii) of BNSS



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to Section 103(1) of BNS and subsequently to Sections 80 and 85 of BNS. The custodial interrogation of the petitioners is necessary. Hence, this Court is not inclined to entertain the petition.

11. With the above observations, these criminal original petitions stand dismissed.

05.08.2025

cda

To

- 1.The Judicial Magistrate, Sriperumbudur.
- 2.The Central Prison, Puzhal.
- 3.The Sub Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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