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CRL.OP.No.. 29489 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL.OP.No. 29489 of 2025

Divagar

..Petitioner

Versus

The State, Represented by
The Inspector of Police
Velankanni Police Station
Nagapattinam District
Crime No. 366 of 2025.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS,
praying to enlarge the petitioner on bail in the event of their arrest a case in
Crime No.366 of 2025 pending investigation on the file of the respondent.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.S.Udayakumar,
Government Advocate (Criminal Side)

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 194 BNSS Act, 2025 @



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under Section 108 of BNS Act, 2023 in Crime No.366 of 2025 seeks anticipatory bail.

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2.The allegation against the petitioner is that when the de-facto complainant's brother's son along with his friend pasted some posters against the leaders of the petitioner's party, the petitioner along with others abused and threatened the deceased with dire consequences, unable to bear the insult and threat made to the petitioner, he committed suicide by hanging on 30.09.2025. Originally, a complaint was registered under Section 194 of BNSS Act, 2023 and later, it was altered into section 108 of BNS Act, 2023. Hence the case.

3. The learned counsel for the petitioner submits that he has not threatened the deceased and he has been falsely implicated in this case and a false complaint has been foisted against the petitioner. He also submits that the petitioner is ready to abide by any conditions that may be imposed

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by this Court and ready to furnish sufficient solvent sureties for his release.

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Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that the respondent police has altered into section 108 of BNS Act, 2023. Since the deceased has been fixed some posters and criticised against the leaders of the petitioner's party, the petitioner along with others had threatened the deceased to kill him. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and the circumstances of the case, it is a case of suicide and investigation is pending and custodial interrogation is not required in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a



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period of fifteen days from the date on which the order copy made ready,

before the learned **District Munsif Cum Judicial Magistrate Court,**

Kilvelur, Nagapattinam District, on condition that the petitioners shall

execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand**

Only) with two sureties each for a like sum to the satisfaction of the

learned Magistrate concerned and on further condition that:

(a) If the petitioners fails to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall appear before the respondent police at 10.30 a.m., for a period of two



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weeks and thereafter as and when required for interrogation.

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

03.11.2025

MSM

To

1. The District Munsif Cum Judicial Magistrate Court, Kilvelur, Nagapattinam District.

2.The Inspector of Police
Velankanni Police Station
Nagapattinam District

Crime No. 366 of 2025.

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3.The Public Prosecutor, High Court, Madras.

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K. RAJASEKAR, J.,

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