



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.35117 of 2025

Shanmugam

Petitioner

Vs

The State Represented by
The Inspector of Police,
Pallapatty Police Station,
Salem District.
Crime No.48 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner in Crime No.48 of 2025 on the file of the respondent police.

For Petitioner:

Mr.B.Vasudevan

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody

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on 18.11.2025 for the alleged offence punishable under Section 174 BNS altered into Section 75(1)(ii) and 108 of BNS, in Crime No.48 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that he is a relative of the deceased. It is alleged that there are three deceased in this case namely Rekha, (deceased no.2), her husband (deceased no.1) and her daughter(deceased no.3). The deceased Rekha had borrowed money from various persons and was unable to repay the money. It is further alleged that the petitioner sexually harassed the deceased Rekha and that, unable to bear the humiliation, she committed suicide by hanging after leaving a suicide note, as a result of which she and her family members, namely her husband and daughter, also died. Hence, a complaint was lodged and the petitioner was arrested for the said offences.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent and has been falsely implicated in this case. He further submitted that the deceased borrowed money from various persons and this petitioner is no way connected with the death of the deceased and that he is in judicial custody since 18.11.2025. Hence, he prayed to grant bail to the petitioner.



4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that during the course of investigation, it was revealed that in the suicide note written by deceased No.2 Rekha, she had requested the petitioner to reduce the interest on the money borrowed from him and had also alleged that he subjected her to sexual harassment, unable to bear the same, she committed suicide by hanging along with her family members. He further submitted that the investigation is still pending. Hence, he opposed to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side, the nature of the allegations, the fact that this is a case of suicide and non-payment of money that resulted in demands for sexual favour, and considering the period of his incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Salem*, and on further conditions that:-



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[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 daily at 10.30 a.m., for a period of four weeks.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness 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 [(2005)AIR SCW 5560];



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

19.12.2025

drl

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,
Salem.
- 2.The Inspector of Police,
Pallapatty Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

drl

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