



Crl.O.P.(MD)No.1541 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1541 of 2025

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.. Petitioner

Vs.

State rep by its

1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent not to harass the petitioner by preventing him to enter in his village considering the petitioner's representation dated 08.01.2025.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.K.Sanjai Gandhi

No.1& 2 Government Advocate(Crl.Side)



Crl.O.P.(MD)No.1541 of 2025

ORDER

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The petitioner has filed this petition seeking a direction to the respondent police not to harass the petitioner.

2.The petitioner is A9 in a case of murder in Crime No.386 of 2024. He obtained bail in Crl.O.P.(MD)No.17560 of 2024 before this Court by an order dated 17.10.2024. One of the conditions for grant of bail is that the petitioner has to appear before the respondent police daily at 10.30 a.m., for a period of three weeks. The petitioner had appeared for three weeks and there is no threat to the petitioner's life. However, the respondent police informed the petitioner that there is a life threat to him. Hence, he was kept away from his village. The petitioner is now residing at Thoothukudi. The petitioner has got two children and the petitioner has got a significant role in his village. The petitioner is not able to earn for his livelihood and for his family. But the respondent police is forcing the petitioner to stay away from the village for the simple reason that the petitioner has threat to his life.

3.According to the petitioner, he has been falsely implicated in this case. He was not present in the scene of occurrence. He further submits



that there is a CCTV footage available in the scene of occurrence.

Without considering all these aspects, the respondent police is not permitting the petitioner to enter into his village and harassing the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner for the first time is making such submissions before this Court. Even when the petitioner was appearing before the respondent police, he has not made any such allegations. The murder committed by the petitioner and other accused is a retaliatory, became very sensitive and there is every likelihood of attack against the petitioner. Further, the murder had taken place during festival time in the villages. Hence, the presence of the petitioner in the village would amount to threatening the witnesses. He further submits that now the investigation is completed and charge sheet has also been laid and the case is posted for hearing on 14.02.2025 before the trial Court. Hence, he strongly opposes this petition.

5.In view of the above said facts, this Court finds that since there is threat perception, for the safety and security of the petitioner, the



Crl.O.P.(MD)No.1541 of 2025

respondent police had asked the petitioner to stay away from his village and it cannot be termed as harassment. I find no merits in this petition.

Accordingly, this Criminal Original Petition is dismissed.

28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
- 2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1541 of 2025

M.NIRMAL KUMAR,J.

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Crl.O.P.(MD)No.1541 of 2025

28.01.2025