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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2548 of 2025

1.Malaiyammal
2.Petchiyammal

... Petitioners / Accused Rank Not Known

Vs.

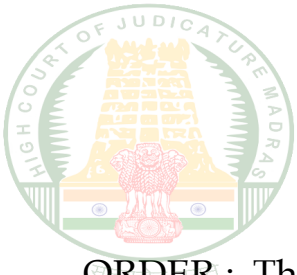
The State of Tamil Nadu rep by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.617 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.617 of 2024 on the file of the respondent-police.

For Petitioners : Mr.S.Sathyachidambaram

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)



ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 194(3) of BNSS, 2023 altered into Sections 191(2), 296(b), 85 and 108 of BNS, 2023, in Crime No.617 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's elder mother-in-law, a widow, has two daughters, including the deceased, Petchiyammal. After completing her 12th standard, the deceased was working at a beauty parlor in Villupuram. In 2021, she had love affair with with one Bala Chithambaram. But the same was warned by both families. However, they continued their relationship and married on 28.11.2024 in Pondicherry. Later, the defacto complainant and her mother came to know about the marriage. Thereafter, on 08.12.2024, when Petchiyammal went to Bala Chithambaram's house, his family restrained her and stated her that only after the proper marriage ceremony, she would be allowed to enter the house. The deceased again requested to enter the house stating that the said Bala Chithambaram has already married her and she is his wife. Thereafter, the accused



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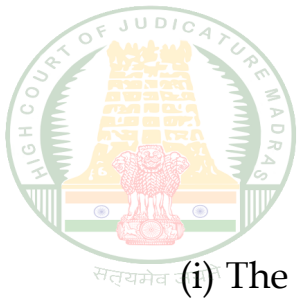
persons pulled her by pushing her hair. Thereafter, she went to her house and due to humiliation, she committed suicide by hanging.

4. Mr.S.Sathyachidambaram, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 6 accused persons in this case and the petitioners have been arrayed as A5 and A6. A5 is the grandmother of A1 and A6 is the step mother of A1. He, therefore, prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence alleged against the petitioners and also considering the fact that the petitioners are women and the alleged overt act of the petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.



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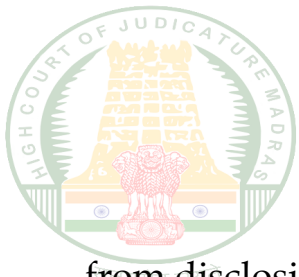
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The first petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders. The second petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the Court or to any police officer.

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(vi) The petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
14/02/2025

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/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI,
TIRUNELVELI.

<https://www.hmc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-1735[I] dated
17/02/2025)

ORDER
IN

CRL OP(MD) No.2548 of 2025
Date :14/02/2025

NBF / SKN /SAR- (21/02/2025) 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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