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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD)No.3110 of 2025

1.Esakkipandi

2.Murugammal

3.Mahesh

... Petitioners / Accused Rank not known

Vs.

State of Tamil Nadu,
Rep. by its 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.Sathyachidambaram, Advocate

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 17.02.2025 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 offence punishable under Section 194(3) of BNSS, 2023 altered into 191(2), 296(b), 85, 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



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Bala Chithambaram has already married her and she is his wife. Thereafter, the accused persons pulled her by pushing her hair. Thereafter, she went to her house and due to humiliation, she committed suicide by hanging. The petitioners herein are the parents and the relative of the said Chidambaram/A1. As they were involved in the crime, they have arrayed as accused. Hence, the case.

4. Mr.Sathyachidambaram, the learned counsel for the petitioner, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant 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 six accused persons in this case and the petitioners have been arrayed as A2, A4 and A3 respectively. The first petitioner is the father, the second petitioner is the mother and the third petitioner is the uncle of A1. Therefore, he contents that, if the petitioners are granted pre-arrest bail, there is a possibility of threatening the defacto complainant and the witnesses and tampering the evidence. Hence, he prays to



dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case, this Court is of the considered opinion that the custodial interrogation of the petitioners is necessary. Moreover, the petitioners have 10 previous cases. In these circumstances, if pre-arrest bail is granted to the petitioner No.2 and other petitioners, they will cause threat to the defacto complainant and the witnesses and also to the family members of the defacto complainant. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
21/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
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- 1 THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3110 of 2025
Date :21/02/2025

ES/SKN/SAR/07.03.2025/5P/3C

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