



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4990 of 2025

Bala Chidambaram,
S/o. Esakipandi,
No.4/14, Narayanakovil Street,
Kondanagaram,
Tirunelveli District.

... Petitioner/ Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.617 of 2024 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 08.12.2024 for the alleged offences punishable under Section 194(3) of BNS, 2023 altered into Sections 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 Std., the deceased was working at a beauty parlor in Villupuram. In 2021, she had love affair with the petitioner. 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 08.12.024, when Petchiyammal went to the petitioner'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 petitioner had already married her and she is his wife.



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Thereafter, other accused 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.Sathiyachidambaram, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submits that the co-accused persons have already been granted pre-arrest bail by this Court vide order dated 14.02.2025 in CrI.O.P(MD) No.2548 of 2025. He further submits that the petitioner has been in judicial custody since 23.01.2025 and that he is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (CrI. Side) appearing for the respondent-police, submits that there are totally 6 accused persons in this case and the petitioner has been arrayed as A1. He further submits that the investigation is still pending, and the investigating agency is awaiting the DNA report. Therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, cause threat to the family members of the deceased, and cause a delay in the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report and the RDO enquiry report.

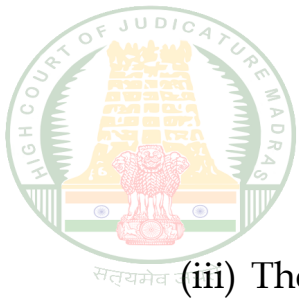


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7. The petitioner was arrested and remanded to judicial custody on 23.01.2025, and he is still in judicial custody i.e., for more than 50 days. The petitioner has permanent residence and therefore, there is less possibility of absconding. In view of the overt act of the petitioner and the fact that the co-accused persons have already been granted pre-arrest bail by this Court vide order dated 14.02.2025 in CrI.O.P(MD) No.2548 of 2025, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Considering the same, and also considering the facts and circumstances and the period of incarceration, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) 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, Thirunelveli District;

(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, Cheranmahadevi, Thirunelveli District shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., and 5.00 p.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner 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 or tamper with the evidence;

(vii) The petitioner shall not directly or indirectly any threat to the family members of the deceased and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District is entitled to pass appropriate orders against the petitioner 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.

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19/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI,
TIRUNELVELI DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

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

ORDER
IN
CRL OP(MD) No.4990 of 2025
Date :19/03/2025



NBF/SAR/ (19/03/2025) 7P/6C

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