



CRL OP(MD). No.5444 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Essakkipandi
2.Murugammal

... Petitioners/ Accused Nos.2 and 4

Vs

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

... Respondent/Complainant

For Petitioners : Mr.S.Sathya Chidambaram

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.617 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 20.03.2025 under



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Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.2 and 4 apprehend arrest at the hands of the respondent-Police in Crime No.617 of 2024, wherein the offences were initially referred to Section 194(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, thereafter, it altered into offences punishable under Sections 191(2), 296(b), 85 and 108 of the Bharatiya Nyaya Sanhita (BNS), 2023, 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 12th standard, the deceased was working at a beauty parlor at Villupuram. In 2021, she had love affair with one Bala Chidambaram. 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 Chidambaram's house, his family members 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



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Chidambaram has already married her and she is his wife. Thereafter, the accused pulled her by pushing her hair. Thereafter, she went to her house and due to humiliation, she committed suicide by hanging. Hence, the case.

4. Mr.S.Sathya Chidambaram, the learned counsel appearing for the petitioners, submits that this is the second pre-arrest bail application filed by the petitioners and the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He further submits that A5 and A6 were granted pre-arrest bail by this Court in Crl.O.P.(MD)No.2548 of 2025 dated 14.02.2025. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the second petitioner has overt act in this case, as she pulled the hair of the deceased. He further submits that the petitioners have no previous case. However, he submits that if pre-arrest bail is granted, the petitioners may abscond and cause threat to the defacto complainant and other witnesses. Hence, he prays to dismiss this Criminal Original Petition.



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

7. As per the averments of the First Information Report, there are some overt act against the second petitioner/A4, as the second petitioner along with other accused persons, pulled the hair of the deceased. Hence, this Court is not inclined to grant pre-arrest bail to the second petitioner/A4. Hence, this petition is dismissed insofar as the second petitioner/A4 is concerned. However, as regards the first petitioner/A2, this petition survives.

9. As per the averments of First Information Report, this Court is of the view that there is no overt act against the first petitioner/A2. Considering the same and considering the facts and circumstances of the case, and with a view to give an opportunity to the first petitioner/A2, this Court is inclined to grant an order of pre-arrest bail to the first petitioner/A2 subject to the following conditions:

(i) The first petitioner/A2 shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli, within a period of 15 days from the date on which the order copy is made



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ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)

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along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli;

(ii) Thereafter, the first petitioner/A2 shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) 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, Tirunelveli, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The first petitioner/A2 shall furnish his residential address and mobile number to the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli;

(v) The first petitioner/A2 shall make himself available for interrogation by a police officer as and when required;

(vi) The first petitioner/A2 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;

(vii) The first petitioner/A2 shall not leave India without previous permission of the Court;



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(viii) The first petitioner/ A2 shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli, or Trial Court as the case may be, is entitled to pass appropriate orders against the first 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].

10. Accordingly, this Criminal Original Petition is allowed insofar as the first petitioner/A2 is concerned, subject to the conditions stated *supra* and this Criminal Original Petition is dismissed insofar the second petitioner/ A4 is concerned.

sd/-
24/03/2025

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/04/2025

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

APD

TO

1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI, TIRUNELVELI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

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-3389[I] dated
25/03/2025)

ORDER
IN
CRL OP(MD) No.5444 of 2025
Date :24/03/2025

SS/SAR- /16/04/2025/ 7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023