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CRL OP No. 4707 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4707 of 2026

1. Shabeer
2. Abubakkar Sithik

..Petitioners

Vs

The Inspector of Police
Kallakurichi Police Station,
Kallakurichi District.
Crime No.67 of 2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.67 of 2026 on the file of the Respondent.

For Petitioners: Mr.T.Balachandran

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.02.2026 for the alleged offences under Sections 194 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 altered into 108 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.67 of 2026 on the file of the respondent police, seek bail.



2. The case of the prosecution is that the petitioners are the subscriber of the chit conducted by husband of the defacto complainant. Her husband lost a sum of Rs. Rs.2,00,00,000/- in the trading business. So due to the said pressure, he left the family and went to Chennai and she along with her children are residing at her mother's house. Her husband committed suicide in the house of the 1st petitioner, on account of the continuous harassment, intimidation and instigation by the petitioners and that due to the persistent conduct of the petitioners, the deceased was left with no option except to take the extreme step. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are not in any way connected with the alleged offences. The present case has been falsely foisted against them. The investigation is almost over and they have permanent residence and there is no possibility of absconding or tampering with witnesses. They are ready to abide by any conditions imposed by this Court. He further submitted that there are no previous cases pending against the petitioners. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the case mainly revolves around money transaction between the parties. The deceased was kept in the room by the petitioners and



when the petitioners went out for tea, the deceased committed suicide.

Therefore, according to the prosecution, the allegation against the petitioners is that they abetted the suicide of the petitioner. Hence, he opposed to grant bail to the petitioners.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. From the submission of the learned Government Advocate (Crl.Side), it appears that the issue revolves around in the F.I.R. is money transaction. There was no pre-meditation or assault against the deceased except that the deceased was kept in the room, and when the petitioners went for tea, it appears that the deceased committed suicide. The allegation against the petitioners is abetment of suicide. Though the detention of the deceased is serious in nature, *prima facie* this Court could not find any sufficient materials from the other allegation to consider abetment of suicide. Since the issue arises out of money transaction and considering the period of incarceration since 08.02.2026, this Court is inclined to enlarge the petitioners on bail with conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the



learned **Judicial Magistrate No-1, Kallakurichi, Kallakurichi District**, and
subject to the following conditions:

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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent police twice a day at 10.30 a.m. and 05.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;



[f] if the petitioners thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

[g] It is made clear that no petition seeking relaxation of the above conditions shall be entertained within a period of sixty (60) days from the date of release of the petitioner.

06-03-2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate-I, Kallakurichi, Kallakurichi District.
2. Sub Jail, Kallakurichi.
3. The Inspector of Police, Kallakurichi Police Station, Kallakurichi District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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06-03-2026