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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 23-10-2026**

CORAM

**THE HON'BLE DR.JUSTICE P.MURUGAN**

**CRL OP(MD) No. 24193 of 2026**

CNR:{HCMD011531952026}

Sundarapandiyan

..Petitioner(s)

Vs

The State of Tamil Nadu Rep. By,
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.413 of 2026)

..Respondent(s)

**PRAYER:** For Bail in Crime No.413 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr.J.Madhan

For Respondent(s): Mr.V.Shathurthi Raja
Government Advocate (Crl. Side)

**ORDER**

The petitioner/A1, who was arrested and remanded to judicial custody on 23.08.2026 for the offences punishable under Sections 191(2), 296(b) and 351(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ Section 191(2), 296(b),



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351(2), 108 of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.413 of 2026, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant's son and the petitioner's cousin were in a relationship and the parents of the girl reprimanded her and being upset over the same, she committed suicide by hanging herself. Due to the said enmity, the petitioner along with other accused abused the defacto complainant and his family members in filthy language, humiliated them and threatened them with dire consequences. Hence, the defacto complainant, his wife and daughter consumed oleander seeds and attempted to commit suicide. Subsequently, the defacto complainant's wife died on 23.08.2026. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 23.08.2026 and that charge sheet has not been filed till date. He would also submit that earlier, the petitioner filed a bail application before this Court in Crl.O.P. (MD).No.21387 of 2026 and the same was dismissed as withdrawn



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on 24.09.2026.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that there are totally five accused in this case and investigation is yet to be completed. He would also submit that this is the second bail application filed by the petitioner. He would further submit that there is no previous case pending against the petitioner.

5. The petitioner was arrested and remanded to judicial custody on 23.08.2026. The major offence as per the case of the prosecution is abetment to commit suicide under Section 108 of BNS, which carries a maximum punishment of ten years imprisonment. Hence, the charge sheet has to be filed within 60 days from the date of arrest of the accused concerned. There are five accused in this case, out of which, A1 to A3 have been arrested and remanded to judicial custody and other two accused are yet to be identified by the prosecution. The petitioner is arrayed as A1 and as of now, he has been in incarceration for 62 days. It is admitted by the learned Government Advocate that no charge sheet has been filed so far. Having not filed the charge sheet, as per Section 167(2) of Cr.P.C, the petitioner is entitled for default bail or statutory bail.



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6. Considering the fact that no charge sheet has been filed till date, this Court, exercising the powers vested under Section 187 of BNSS, is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni and on further conditions that:

**[a]** the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

**[b]** On execution of the surety, the accused is directed to appear before the learned Judicial Magistrate, Uthamapalayam, Theni, for 15 working days at 10.30 am. Thereafter, the accused shall appear before the said Court on every Wednesday at 10.30 am for a period of 10 weeks;

**[c]** In the event that the accused is unable to appear before the said Court, the counsel for the accused may file accused absence



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petition on behalf of the accused under Section 355 of BNSS and the same may be considered by the Court;

**[d]** In the event that neither the accused appear nor his counsel file any such accused absent petition, the Court has to issue a Non Bailable Warrant against the accused and secure him and commit him to custody**;**

**[e]** If the accused thereafter absconds, a fresh FIR shall be registered under Section 269 BNS, 2023;

**[f]** If the investigating agency requires the presence of the accused, after the execution of the bail bond, the Investigating Officer has to issue a summons to the accused for interrogation. However, the interrogation should not amount to harassment of the accused. The issuance of the summons to the accused and the interrogation of the accused should be reflected in the CD file as well as in the General Diary. The said exercise shall be done by the Investigating Officer at once or twice during the daytime. Once the purpose of the interrogation is over, the accused shall be sent out from the police station without any further delay;

**[g]** On compliance of the above conditions for appearance of the accused all the conditions referred above shall stand relaxed;



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**[h]** the petitioner shall not tamper with the evidence or witness either during investigation or trial;

**[i]** the petitioner shall not abscond either during investigation or trial;

**[j]** On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].**

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To

1. The Judicial Magistrate, Uthamapalayam, Theni.

2. The Inspector of Police, Cumbum South Police Station,
   Theni District.

3. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

4. The Sub Jail, Theni.



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**DR.P.MURUGAN, J.**

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