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CRL OP No. 8233 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8233 of 2026

1. Kandaswami
2. Sankari

..Petitioners

Vs

State rep. by,
The Inspector of Police,
Thousand Lights Police Station,
Chennai District.
(Crime No.2 of 2026)

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest in Crime No. 2 of 2026 pending on the file of Inspector of Police, Thousand Lights Police Station Police Station.

For Petitioners: Mr.Ilayarani Ponraj

For Respondent: Mr.P.Dhileepan
Government Advocate (Crl.Side)

For Intervenor: Mr.N.Elayaraja

ORDER

The petitioners, who apprehends arrest for the alleged offence under Section 85 of BNS in Crime No.2 of 2026, on the file of the respondent police seek anticipatory bail.



2. The case of the prosecution is that the marriage between the petitioner's son and de facto complainant took place on 30.04.2025. According to the prosecution, within a month of their marriage, there was matrimonial discord between the petitioner's son and the de facto complainant. The petitioner's son was having an affair at London and these petitioners have also not advising his son and also driven her away from the residence. The petitioners had not returned the *Sreedhana* properties of 50 sovereigns of gold jewels. Hence, this case.

3. The learned counsel for the petitioners submitted that there was no *sreedhana* property and what was received was only 3 sovereigns of gold jewels. These petitioners are only the in-laws of the de facto complainant, only because of the dispute between the first accused and the de facto complainant, These petitioners have been roped into this case unnecessarily. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel for the Intervenor strongly opposed the bail application and submitted that they have filed an affidavit before this Court during previous occasion to return the 50 sovereigns of gold jewels which factum was seriously disputed by the learned counsel for the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the

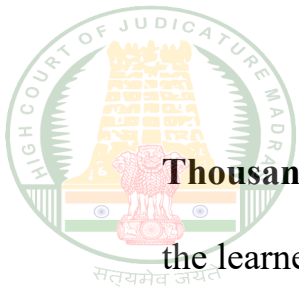


respondent police reiterated the prosecution case and opposed the bail application on the ground that investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.

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

7. While looking into the factual positions of the case, it is a case of matrimonial discord and according to the de facto complainant, the petitioners have not returned *Sreedhana* property, more particularly, 50 sovereigns of gold jewels. Admittedly, the petitioners are in-laws of the de facto complainant. Hence, having taken into consideration of the totality of the circumstances and upon the fact that the petitioners being father-in-law and mother-in-law of the de facto complainant and in these nature of cases, the custodial interrogation of the petitioners is not required. This Court is inclined to enlarge the petitioners on bail subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Metropolitan Magistrate, Egmore**, on condition that **the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty**



Thousand only), with two sureties each, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) If the petitioners fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

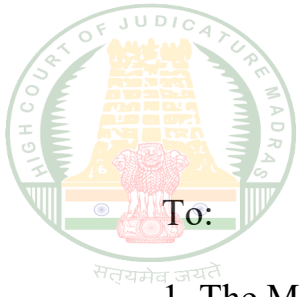
(c) The petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

SHL

02-04-2026



To:

1. The Metropolitan Magistrate,
Egmore

2. The Inspector of Police,
Thousand Lights Police Station,
Chennai District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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