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CRL M.P. No.16017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

**Crl. M.P. No.16017 of 2024**  
**in Crl. O.P. No.27100 of 2024**

Mahendran S/o. Devendran .... Petitioner / Accused

VS

State represented by:-

The Inspector of Police,

W-20 All Women Police Station,

Saidapet, Chennai-600 015.

...Respondent / Complainant

**PRAYER: -** The Criminal Miscellaneous Petition is filed under Section 528 of B.N.S.S. praying to relax the condition imposed in the order granting anticipatory bail to the petitioner / Accused passed in Crl. O.P. No.27100 of 2024 by this Court dated 29.10.2024.

For Petitioner : Mr. Swami Subramanian  
For Respondent : Mr. S. Balaji  
Govt. Advocate (Crl. Side)

**ORDER**

This petition has been filed by the petitioner / accused to relax the



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condition imposed in the order granting anticipatory bail to the petitioner / Accused passed in Crl. O.P. No.27100 of 2024 by this Court dated 29.10.2024.

2. The learned counsel appearing for the petitioner would contend that the defacto complainant has lodged a false complaint against this petitioner for the offence under Section 498(A) of IPC and thereafter he filed a petition for anticipatory bail in Crl. O.P. No.27100 of 2024 and the same was granted in favour of the accused on 29.10.2024. As per the order of this Court, the 1st respondent surrendered before the concerned Metropolitan Magistrate and he executed sureties. One of the conditions is that without prior permission of the Court, he cannot leave India. In fact, the petitioner was not aware about the said condition imposed by the Court and the order copy was made ready on 06.11.2024 and he executed sureties on 07.11.2024. Without knowing the condition, he bought air tickets due to his child education. Since, the petitioner is working and his child is studying at Germany, he has to go to his work, thereby, the condition imposed by this Court not to leave India without prior



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permission of the Court, may be relaxed.

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3. The learned Government Advocate (Criminal Side) appearing for the State would submit that the respondent police have registered FIR in Cr. No.6 of 2023 for the offence under Section 498(A) of IPC as against the petitioner. Thereafter, the petitioner filed a petition before this Court for anticipatory bail and the same was granted on conditions. The petitioner has complied the conditions and executed sureties and already the petitioner attempted to leave India without permission of the Court and thereby look out circular was issued and he was prevented by the Mumbai Airport Immigration officers from leaving India, thereby he strongly opposed to relax the condition.

4. The learned counsel appearing for the intervenor / defacto complainant would submit that the defacto complainant is the father-in-law of the petitioner herein and the petitioner along with his family members harassed the daughter of the defacto complainant and demanded dowry. Hence a complaint was lodged before the All Women Police Station, Saidapet and also a petition under Section 156(3) of



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Cr.P.C. was filed before the IX Metropolitan Magistrate, Saidapet, Chennai in Crl. M.P. No.7906 of 2023 and the respondent police registered an FIR in Cr. No.6 of 2023 against the accused under Section 498(A) of IPC and subsequently, the sections were altered from 498(A) of IPC to Sections 313, 325, 406, 420 and 506(i) of IPC read with Section 3 and 4 of Dowry Prohibition Act, 1961. Further, the petitioner was granted anticipatory bail on conditions. One of the conditions is that the accused shall not leave India without prior permission of the Court. But the petitioner tried to escape from India, thereby, the petitioner breached the conditions imposed by this Court. Further, the petitioner attempted to take the child to Germany. Already the Germany Court granted Joint custody of the child to both the parents and therefore, he strongly opposed to relax the condition.

5. In reply, the learned counsel appearing for the petitioner would submit that the Court of Australia had already granted divorce to the petitioner and his wife and the custody of child was given to this petitioner and now, only to harass the petitioner, his father-in-law gave a



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false complaint.

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6. Heard both sides' arguments and perused the materials available on record.

7. Considering the nature of offences, considering the fact that the petitioner has been working in Germany and for his livelihood, he has to go to Germany for job, accepting the reasons stated by the petitioner in the petition and also considering the fact that he has complied the other conditions imposed by this Court, this Court is inclined to relax the condition imposed in the order granting anticipatory bail to the petitioner. As far as the custody of child is concerned, this Court while deciding the bail application cannot decide the custody of child, hence the parties are at liberty to take appropriate steps in accordance with law.

7. Accordingly, the Criminal miscellaneous Petition is allowed. The condition imposed in the order in Crl. O.P. No.27100 of 2024 dated 29.10.2024 that 'the petitioner shall not leave India without prior permission of the Court' *is relaxed*. Other conditions imposed by this Court are remain intact.

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index: Yes/No  
Internet: Yes/No  
Speaking/Non Speaking order  
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**P.DHANABAL,J**

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To

1. The Public Prosecutor, High Court, Madras.
2. The Inspector of Police, W-20 All Women Police Station, Saidapet, Chennai-600 015.

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