



CRL OP(MD). No.17276 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.17276 of 2024

1. Vignesh,

2. Dhanasekaran,

3. Kothainayaki,

... Petitioners/ Accused Nos.1 to 3

Vs

1. The State of Tamilnadu,
Rep., by the Inspector of Police,
Thallakulam Police Station, Madurai
City, Madurai.
Crime No.1003 of 2024..

2. Dr.S.Sri Nanthini,
No.25, Jawahar Road, Flat No.F2,
Heritage Anujam Appartments,
Chinna Chokkikulam,
Madurai-625002.

... Respondents/Complainants

(Respondent No.2 suo motu impleaded as
per order of this Court dated 16.10.2024 in
Crl.O.P.(MD).No.17276 of 2024)

For Petitioners : Mr.K.Althaff Sheriff, Advocate.

For R-1 : Mr.B.Thanga Aravindh,

Government Advocate (Crl.Side)

For R-2 : Mr.A.Joseph Jerry, Advocate



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PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

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PRAYER :-

For Anticipatory Bail in Crime No.1003 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent Police for the offences under Sections 296(b), 115(2), 85 and 351(2) of BNS Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1003 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that Accused No.1 has married the defacto complainant and at the time of marriage, 100 sovereigns of gold jewels and other seethana articles were given. Thereafter, the defacto complainant was treated with cruelty and all her jewels were pledged and additional dowry was also demanded. When the same was questioned, the petitioners abused the defacto complainant in filthy language and she was also put to harassment. It is under these circumstances, the complaint came to be given.

3. The anticipatory bail was filed by the husband and the in-laws. This Court by an order dated 16.10.2024 granted anticipatory bail to the in-laws. However, the husband (Accused No.1) and the defacto complainant were referred to mediation. In



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spite of best efforts, the parties were not able to reach a settlement. Therefore, a mediation report has been sent back to this Court with an endorsement 'no settlement is reached'.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. The learned counsel appearing for the defacto complainant / second respondent submitted that the defacto complainant was forcibly evicted from the property and in that process, the child was injured and a complaint was given in this regard and it was pending enquiry before the respondent Police. The learned counsel further submitted that apart from committing cruelty to the defacto complainant, now an attempt is being made to forcibly take away the child from the defacto complainant and that the petitioners are also attempting to tamper with the evidence.

6. The learned counsel appearing for the petitioners submitted that a false case has been foisted against them by the defacto complainant.

7. The learned Government Advocate (Criminal Side) submitted that the complaint given by the defacto complainant was enquired and it was closed. He further submitted that the investigation is pending in this case.

8. Taking into consideration the facts and circumstances of the case and considering the fact that the matrimonial dispute is involved in this case and efforts



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taken by this Court to make the parties come to an amicable settlement did not yield any result, this Court is inclined to grant anticipatory bail to the first petitioner subject to the following conditions.

9. Accordingly, the first petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the first petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the first petitioner shall report before the respondent police every Saturday at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation;

[c] Thereafter, the child is said to be in the custody of the defacto complainant. If at all the first petitioner is seeking for custody, it can be done only in the manner known to law and that at no point of time, force can be exhorted to grab the child. If any such attempt is made, the respondent Police will take immediate action and if it



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is brought to the notice of this court, this Court will also cancel the anticipatory bail granted in favour of the first petitioner.

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

[e]the first petitioner shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
09/12/2024

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/ 12 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE, No.II MADURAI.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-15145[I] dated
10/12/2024)

ORDER
IN

CRL OP(MD) No.17276 of 2024
Date :09/12/2024

PSP/ SKN /SAR /18.12.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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