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CrI.O.P.No.1345 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.1345 of 2025

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... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
W-13, All Women Police Station,
Tondiarpet, Chennai.
(Crime No.24 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail, in connection with Crime No.24 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. P. Gopalakrishnan

For Intervenor : Mr. S. Selvanandam

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)



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ORDER

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Petition seeking bail in respect of Crime No.24 of 2024 registered for the alleged offences punishable under Sections 82(2), 85, 318(4), 61(2) of BNS read with Sections 3(1) and 4 of Dowry Prohibition Act, is on board for consideration.

2. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that the marriage between the petitioner and the daughter of the defacto complainant was solemnized on 02.12.2024 and the defacto complainant, on harbouring suspicion that the petitioner had illegal affairs with other women, lodged a false complaint against the petitioner and his family members on 06.12.2024 and the respondent police also arrested the petitioner on the same day. He further submitted that the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court, further, the first petitioner herein from the Central Prison-II, Puzhal, Chennai also filed an undertaking affidavit dated 29.01.2025 stating that the marriage between him and the defacto complainant's daughter Nancy Priyanka has not been consummated from the date of solemnization of marriage on



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02.12.2024 till date, further, he agrees to co-operate with Nancy Priyanka, on all legal processes and procedures in the Court, to get their marriage annulled on grounds of non-consummation of marriage, hence, he prayed for grant of bail to the petitioner.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioner is that, the defacto complainant, who is the mother-in-law of the petitioner herein lodged a complaint before the respondent police stating that, the petitioner had multiple illegal affair and physical relationship with other girls and suppressing all these facts, the petitioner and his parents, induced the defacto complainant and solemnized marriage between the petitioner and the daughter of the defacto complainant and demanded dowry.

4. Learned counsel for the intervenor raised strong objection for granting bail to the petitioner by stating that, the petitioner and his parents have cheated and induced the defacto complainant and arranged the marriage between the petitioner and the defacto complainant's daughter, thereafter,



demanded dowry and harassed the defacto complainant's daughter. He also submitted that on the day of marriage on 02.12.2024, one Priyadharshini came to the said marriage and quarreled with the petitioner that he had an affair and physical relationship with her and thereafter, cheated her, however, with the help of the police and elder relatives, the said Priyadharshini was taken away from the place of the marriage, thereafter, believing the words of the petitioner and his family members, the said marriage was solemnized on the same day. Later, the petitioner and his parents started demanding dowry from the defacto complainant's daughter, further, on seeing the whatsapp conversation between the petitioner and his parents, the defacto complainant came to know that the petitioner had multiple affairs and physical relationship with other women, thereby cheated the defacto complainant and spoiled the future of the defacto complainant's daughter, therefore, the defacto complainant filed a complaint before the respondent police. He also further submitted that, on seeing the character of the petitioner, the defacto complainant's daughter refused to consummate the marriage taken place on 02.12.2024 between her and the petitioner herein.

5. Heard the learned counsel appearing for the petitioner, the learned



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counsel appearing for the intervenor and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side and considering the period of incarceration and also **considering the undertaking affidavit dated 29.01.2025, filed by the petitioner herein from the prison (shall form part and parcel of this order)**, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **XV Metropolitan Magistrate Court, George Town, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders;

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

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

[e] 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 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

30.01.2025

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To

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1. The Learned XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
W-13, All Women Police Station,
Tondiarpet, Chennai.
3. The Superintendent,
Puzhal Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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