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CrI.O.P.No.1499 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

CORAM

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

CrI.O.P.No.1499 of 2025

1. Selvi
2. Malini

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
VM-6, Manali Police Station,
(Crime No.524 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.524 of 2024, on the file of the respondent police.

For Petitioners : Mr.R.C.Paul Kanagaraj
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)



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ORDER

Apprehending arrest in connection with Crime No.524 of 2024 registered for the offences punishable under Sections 318 (2), 115 (2), 303 (2), 329 (4), 77, 64 and 351 (2) of Bharathiya Nyaya Sanhita (BNS) Act 2023, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are the wife and daughter of the first accused. Further, he submits that the Defacto complainant, working as a Home Guard in the Tamilnadu Police Division in Nungambakkam Police limits during Covid period, had met the husband & father of the petitioners and were helping one another. The defacto complainant had taken advantage and alleged a complaint before the Nungambakkam police station against the petitioners and when they found the complaint was false, they had dismissed the defacto complainant from the services of Home Guard. Subsequently, she has also filed several



complaint against the petitioners before various police stations and the petitioners also appeared for enquiry and found the complaint were false and had closed them. The first petitioner is a House wife and the second petitioner is studying BE CSE in Government college of Engineering at Tirunelveli and without any proper enquiry they have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the husband of the first petitioner and father of the second petitioner was working as a Grade-I Police Constable, claimed to be a divorcee, induced the defacto complainant who is also a divorcee, had sexual intercourse on the promise of marrying her and had taken money and articles from her. He further submitted that they were living like husband and wife. On coming to know about this, the petitioners had come to her house and threatened and beaten the defacto complainant. Hence, the de-facto complainant lodged a complaint against the petitioners. This Court



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already granted anticipatory bail to the husband of the first petitioner in
Crl.O.P.No.28512 of 2024 dated 13.12.2024.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvottiyur on condition that the petitioners shall execute a bond each 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent Police, as and when required.



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[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 BNS.

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A.D.JAGADISH CHANDIRA, J.

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