



WEB COPY

Crl.O.P.No.1900 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.1900 of 2025

1.S.Sarath Kumar @ Srinkanth
2.P.Sekar
3.S.Suganthi

...Petitioners/Accused

Vs.

The Inspector of Police,
W-1, All Women Police Station,
Puliyanthope, Chennai.
(Crime No.3 of 2025).

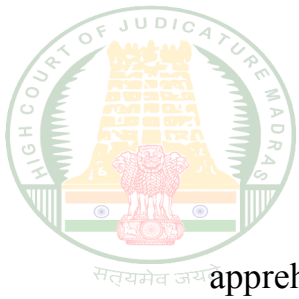
... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of his arrest in connection with Crime No.3 of 2025 pending on the file of the respondent.

For Petitioners :Mr.S.V.Udayakumar

For Respondent :Mr.Leonard Arul Joseph Selvam
GovernS.Udyakumarment Advocate
(Crl. Side)
Mr.HariharanArun Soma Sankar
For Intervener.

ORDER



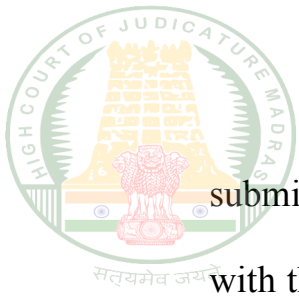
WEB COPY

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.3 of 2025 registered for the offence under Section 498 A of I.P.C.

2. The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife; that they lived together for 40 days and that the marriage was not consummated as the petitioner was not inclined to perform his conjugal duties; that the 1st petitioner and his parents, petitioners 2 and 3 attacked the defacto complainant and thus committed the aforesaid offence.

3. The learned counsel for the petitioners would submit that the main allegation in the complaint is that the marriage was not consummated; that pursuant to a wordy quarrel, the petitioners attacked the defacto complainant. He would further submit that the allegations are false and during enquiry, the petitioners also handed over all the articles of the defaco complainant before the Police Station which was acknowledged by the defacto complainant.

4. The learned counsel for the intervenor/defacto complainant



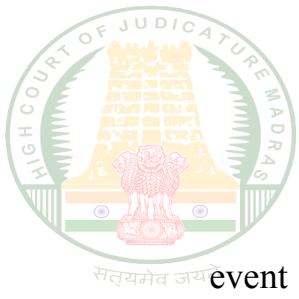
WEB COPY

submitted that the defacto complainant is an IT employee and her laptop is with the possession of the petitioners and that the same may be handed over to her and opposed the grant of anticipatory bail.

5. The learned Government Advocate (CrI.Side) reiterated the prosecution case and submitted that the investigation is pending.

6. In response, the learned counsel for the petitioner submitted that the laptop is not available with the petitioner and in any case, to show his bonafide, he is willing to pay a sum of Rs.75,000/- to the defacto complainant, without prejudice to his right of defence.

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the defacto complainant, without prejudice to their right of defence before the Trial Court. Considering the above fact, the nature of allegations, this Court is of the view that custodial interrogation is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



WEB COPY

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 days from the date on which the order copy made ready, before **the learned Metropolitan Magistrate, Egmore** on production of proof of payment of Rs.75,000/- to the defacto complainant and on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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;

[b] the first petitioner shall report before the respondent Police, once in a week i.e., every Monday at 10.30 a.m., until further orders and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation;

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

[d] the petitioners 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



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 B.N.S.

28.02.2025

rkp

Copy to:

- 1.The Inspector of Police,
W-16, All Women Police Station,
Puliyanthope, Chennai.
- 2.The Metropolitan Magistrate, Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

rkp



WEB COPY



CrI.O.P.No.1900 of 2

CrI.O.P.No.1900 of 2025

28.02.2025