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Crl.O.P.No.1868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.1868 of 2025

- 1.Bakkiyalakshmi
- 2.Ramadass
- 3.Gothandaraman @ Kothandaraman
4. Geetha.

...Petitioners/Accused (A2 to A5)

Vs.

State by
Inspector of Police,
AWPS Valasaravakkam
Koyambedu,
Chennai.
(Cr.No.1/2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.1 of 2025 on the file of the Inspector of Police, AWPS Valasaravakkam, Koyambedu, Chennai.

For Petitioners : Mr.Elavarasan M R
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Dhanasekaran



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ORDER

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC & 115(2), 351(3) of BNS 2023, in Crime No.1 of 2025 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the *de-facto* complainant is the wife of A1, who got married on 07.02.2022 and the parents of the *de-facto* complainant had gifted 100 sovereigns of gold jewels and five kilograms of silver articles as Sridhana to the marriage; that A1/husband of the *de-facto* complainant at the instigation of the petitioners/A2 to A5, had demanded the jewels, which were given as gifts to be handed over to his custody; and that the petitioners/A2 to A5, along with A1 had prevented the *de-facto* complainant from studying for an LLB degree and also abused her in filthy language. Hence, the case.

3. The learned counsel for the petitioners/A2 to A5 would submit that the petitioners and the *de-facto* complainant are living separately and have nothing to do with the matrimonial relationship between the *de-facto* complainant and the first accused; that the allegations have been invented for the purpose of



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the case; and that in any case, even according to the averments in the FIR, the *de-facto* complainant had kept the jewels in the parents' house since she did not have proper facilities to keep the jewels safely in her house; and that the FIR only discloses a matrimonial differences and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) for the respondent police, *per contra*, submitted that A1, the husband, was arrested and subsequently released on bail, and the case is pending investigation.

5. The learned counsel for the *de-facto* complainant, however, strongly opposed on the ground that the *de-facto* complainant's articles such as an ID card and a few other belongings, are retained by the petitioners; and that the petitioners had caused cruelty since the *de-facto* complainant was pursuing her LLB degree.

6. On perusal of the FIR, it is seen that the jewels were not handed over to the first accused or to the petitioners, and the *de-facto* complainant had stated that she had kept it in her house to keep it safe. The other allegations in the FIR only relate to the matrimonial differences and petty quarrels between the first



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accused and the *de-facto* complainant. In any case, considering the nature of the relationship between the petitioners and the *de-facto* complainant, this Court is of the view that the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned ***Judicial Magistrate No.I, Ponamallee, Chennai*** on condition that the petitioners shall execute a 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 said Magistrate, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further



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orders;

[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 of B.N.S.

06.02.2025

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To

1.The Judicial Magistrate No.I,
Poonamallee, Chennai.

2.The Inspector of Police,
AWPS Valasaravakkam,
Koyambedu,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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