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Crl O.P.No.2457 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2457 of 2025

Nepolean

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
W-15 AWPS, Royapuram,
Chennai-600 013.
(Crime No.04/2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.04 of 2024 on the file of the respondent Police.

For Petitioner : Mr.Parthibarajan S

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offence punishable under Section 498 (A) of IPC in Crime
No.04 of 2024, seeks anticipatory bail.



Crl O.P.No.2457 of 2023

WEB COPY

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant; and that he is working at Singapore and not sending money for the maintenance of the defacto complainant and their children. Instead, he is sending money to his Sister; and that the defacto complainant is made to collect the maintenance amount from the petitioner's sister; and that the defacto complainant is treated like servant in the family. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is paying School fees for their children and he is also depositing an amount of Rs.25,000/- into the account of the defacto complainant, and also arranged a house for the defacto complainant and their children; and that the Maintenance Case in M.C.No.80 of 2024 is pending before the IV Additional Family Court, Chennai; and that there is mediation pending, in which the petitioner is also participating in the mediation proceedings. He also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the



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respondent Police would submit that the petitioner is the husband of the defacto complainant, working at Singapore, and is not providing any maintenance to the defacto complainant and their children. He would also submit that the maintenance case is pending before the IV Additional Family Court, Chennai and mediation is also pending. Therefore, he opposes to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of allegations and that there is a family dispute with regard to payment of the maintenance, and 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 subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on 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 **XVI Metropolitan**



Crl O.P.No.2457 of 2023

WEB COPY

Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police twice a week for a period of three weeks.

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

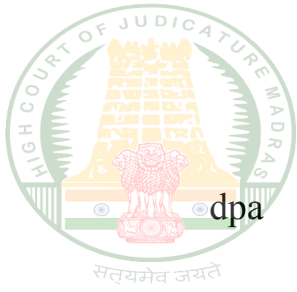
[d] the petitioner shall not abscond either during investigation or trial.

[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 BNS.

03.02.2025

Index : Yes / No
Internet : Yes / No



Crl O.P.No.2457 of 2025

WEB COPY

SUNDER MOHAN , J.

dpa

To

1.The Inspector of Police,
W-15 AWPS, Royapuram,
Chennai-600 013.

2. The XVI Metropolitan Magistrate,
George Town, Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.2457 of 2025



WEB COPY



Crl O.P.No.2457 of 2023

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