



Crl.O.P.No.2665 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

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

Crl.O.P.No.2665 of 2025

1.H.Rakesh

2.Dhanalakshmi

3.Harishankar

...Petitioners/Accused

Vs.

The State Represented by Inspector of Police
All Women Police Station,
Ambattur, Avadi Commissionerate
(Cr.No.54/2024)
Thiruvallur District.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners/accused on bail in the
event of their arrest in Crime NO.54 of 2024 on the file of the respondent police.

For Petitioners : Mr.K.Saravanan

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



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ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85 and 115(2) of BNS Act, in Crime No.54 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner was married to the *de-facto* complainant; that the first petitioner and his family members demanded money for marriage expenses, which took place on 09.06.2023; that since the *de-facto* complainant did not hand over her salary to the first petitioner, she was sent out of the house; that there was a compromise talk thereafter, and on 11.08.2024, a girl child was born, and the petitioners visited the hospital and thereafter stopped visiting; and that on 04.12.2024, the petitioners and others visited the house of the *de-facto* complainant and abused her in filthy language. Hence, the case.

3. The learned counsel for the petitioners/accused would submit that the allegations in the FIR only suggest that there was a matrimonial difference



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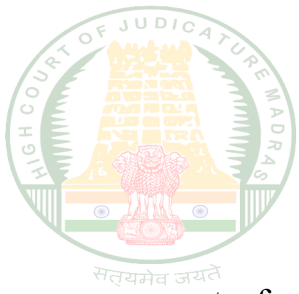
between the husband/first petitioner and wife/*de-facto* complainant; and that in any case, the custodial interrogation of the petitioners/accused is not required for the purpose of investigation and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent police, *per contra*, submitted that there are allegations in the FIR against the first petitioner and therefore, no indulgence would be shown to the petitioners.

5. Heard both sides and perused the materials available on record.

6. From the perusal of the FIR, it is seen that though there are allegations to show that the petitioners had demanded money towards marriage expenses, the allegations are predominantly relating to matrimonial differences. In any case, this Court is of the view that in the facts and circumstances of the case, the custodial interrogation of the petitioners is not required. Hence, the petition is allowed with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the



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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.2, Ponneri** 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 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



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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.

04.02.2025

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To

- 1.The Judicial Magistrate No.2,
Ponneri.
- 2.The Inspector of Police
All Women Police Station,
Ambattur, Avadi Commissionerate
Thiruvallur District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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