



CRL OP No.2941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.02.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No.2941 of 2025

1.Mr.Jegannathan

2.Mrs.Jothimani

.....Petitioners

Vs

The State Rep.by the Inspector of Police,
Podhanur Police Station,
Crime No.163/2024

...Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023 to enlarge 1st petitioner/1st Accused and 2nd Petitioner/2nd Accused on bail in the event of their arrest in Crime No.163 of 2024 on the file of the respondent/complainant pending investigation.

For Petitioner(s) : Mr.S.Manigandan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC, 1860, Section 294(b) of IPC, 1860, Section 506(1) of IPC, 1860, on



the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the first petitioner is the husband and second petitioner is the mother in law of the defacto complainant; that the defaco complainant was married to the first petitioner on 18.10.2023; that the second petitioner had demanded Rs.3,50,000/- cash in addition to the cash and other gifts given by the parents of the defacto complainant at the time of marriage; that on 10.11.2023, the defacto complainant came to know about the first petitioner had illicit intimacy with several women and when questioned, the first petitioner justified the same; that the second petitioner abused the defacto complainant; and that the petitioners sent the defacto complainant away from the matrimonial house and thereby, the petitioners committed cruelty on the defacto complainant.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to a matrimonial dispute, a false complaint has been foisted against them. The first petitioner has also filed an Application seeking restitution of conjugal rights. Hence, he prayed for anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioners, submitted that the petitioners, in order to demand dowry, have harassed the defacto complainant.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. The reading of the FIR would suggest that the defacto complainant had matrimonial differences due to the alleged illicit intimacy of the first petitioner with other women. Hence, considering the nature of allegations, the relationship between petitioners and the defacto complainant; and since custodial interrogation of the petitioners is not required for the purposes 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.II, Pollachi**, 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 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



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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*** reported in [(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

rkp

To

- 1.The Inspector of Police,
Podhanur Police Station.
2. The Judicial Magistrate No.II, Pollachi.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.
rkp

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