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Crl.O.P.No.5455 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5455 of 2025

1. Vivekraj
2. Vignesh
3. Lakshmi

Petitioner(s)/ A2, A3 and A5

Vs

The State Rep. by
The Inspector of Police,
AWPS Thiruthuraipoondi Police Station,
Tiruvarur District.
(Crime No.14 of 2023).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.14 of 2023 on the file of the respondent police.

For Petitioner(s) : Mr. R. Krishnamurthy

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)



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ORDER

The petitioners (A2, A3 and A5), who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 506(ii) of IPC in Crime No.14 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant and the first accused (A1) got married on 15.05.2022 after a love affair; that at the time of their marriage, A1 and his family members had obtained 6 soverigns of gold jewels and Rs.5,00,000/- from the defacto complainant; that after their marriage, A1 and other accused demanded more jewels and dowry from the defacto complainant and did not allow her to pursue her higher education; that later, the defacto complainant came to know that A1 had illicit intimacy with several women; that while the same was questioned by the defacto complainant, the petitioners herein abused and threatened her with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by



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the prosecution; that on account of matrimonial dispute between the A1 and the defacto complainant, a false complaint has been lodged against the petitioners, who are closely related to the first accused; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that it is case of matrimonial dispute between the defacto complainant and A1; that the petitioners herein are brothers and relative of A1; and that the investigation is pending and opposed the grant of anticipatory bail to the petitioners.

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

6. Taking note of the facts and circumstances of the case,



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considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that it is the case of matrimonial dispute, the petitioners are related to the first accused and since 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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Thiruthuraipoondi** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) 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 petitioners and 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.



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[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

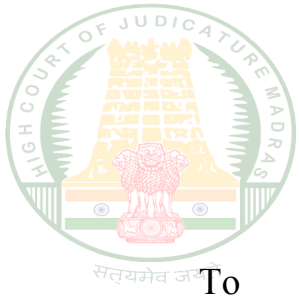
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

28.02.2025

stn

SUNDER MOHAN, J.



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To
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AWPS Thiruthuraipoondi Police Station,
Tiruvarur District.
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