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CRL O.P. No.4167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2025

CORAM:

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

CRL O.P. No.4167 of 2025

- 1.Mohammad Hafiz
2. Mahajabeen

... Petitioners/Accused 1 and 2

Vs

The State represented by:-

The Inspector of Police,
All Women Police Station,
Ayanavaram,
Chennai District.
Crime No.3 of 2025.

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioners on anticipatory bail in the event of the arrest pending investigation in Crime NO.3 of 2025 on the file of the respondent.

For Petitioners	: Mr.R.Sankar
For Respondent	: Mr.S.Balaji, Government Advocate [Criminal side]



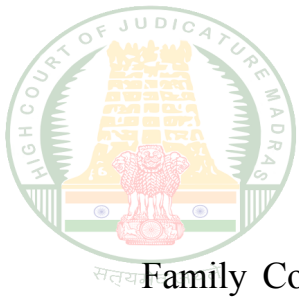
ORDER

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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita (BNS), 2023 with the case in Crime No. 3 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner/A1, is the husband of the *de-facto* complainant, the second petitioner/A2 is the mother-in-law of the *de-facto* complainant; that the first petitioner and the *de-facto* complainant got married on 14.11.2021 and at the time of the marriage, twenty sovereigns of gold jewels were gifted by the the de-facto complainant's parents and a sum of Rs.25,00,000/- was spent towards marriage expenses; that the petitioners demanded further dowry and started harassing the *de-facto* complainant; that the *de-facto* complainant left the matrimonial home; and that the instant complaint was lodged seeking the assistance of Police to get back the twenty sovereigns of gold jewels, which is in the house of the petitioners. Hence, the case

3. Learned counsel for the petitioners/A1 and A2 would submit that there are matrimonial differences between the first petitioner/husband and the *de-facto* complainant/wife; that there are divorce and maintenance cases pending in the



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Family Court; and that the allegations are false and in any case, the custodial interrogation of the petitioners/A1 and A2 is not required for the purpose of investigation.

4. Heard the learned Government Advocate (Crl.Side) for the respondent police, who reiterated the prosecution case and perused the materials available on record.

5. Considering the allegation in the FIR and the nature of the relationship, this Court is of the view that the custodial interrogation of the petitioners/A1 and A2 is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. 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 of receipt of a copy of this order, before the learned **Metropolitan Magistrate Additional Mahila Court, Egmore, Chennai**, on condition that each petitioner 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



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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 conditions 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.

[b] the first petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[c] the second petitioner shall appear before the respondent police as and when required for the interrogation.

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

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

[f] 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].



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

18.02.2025

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To

- 1.The Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, All Women Police Station, Aynavaram, Chennai



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SUNDER MOHAN,J.

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