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Crl.OP.No.7482 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7482 of 2025

S.Divakar ... Petitioner(s) /Accused

Vs.

State by
Inspector of Police,
W-1, All Women Police Station,
Tambaram, Chennai – 600 045. ... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.1 of 2025, on the file of the respondent police.

For petitioner(s) : Mr.Nirmal Kumar
For Respondent(s) : Mr.S.Santhosh,
Government Advocate (Crl.Side)



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ORDER

This is the second anticipatory bail application filed by the petitioner before this Court.

2. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(1) of IPC, Sections 5(i), 5(n) and 6 of POCSO Act and Sections 3(1) and 4 of Dowry Prohibition Act, in Crime No.1 of 2025, on the file of the respondent police, seeks anticipatory bail.

3. It is the case of the prosecution that the petitioner and the defacto complainant got married on 06.01.2022; that there were matrimonial differences between them; that the defacto complainant suspected the petitioner of having an illicit relationship with other women; and that the petitioner demanded dowry, caused cruelty on account of dowry demand, and abused her in filthy language.

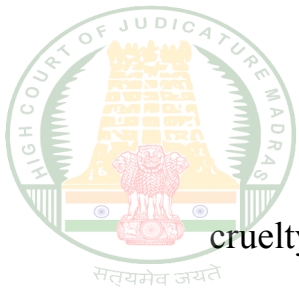


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4. The learned counsel for the petitioner would submit that the allegations are false; that the matrimonial differences between the petitioner and the defacto complainant have been projected as cruelty on account of dowry demand; and that the petitioner and the defacto complainant were living as husband and wife, and sought for anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that an alteration report was filed on 13.02.2025, deleting the offences under the POCSO Act, and that the investigation is now pending for offences under Section 498(A) and 506(1) of IPC, and Sections 3(1) and 4 of the Dowry Prohibition Act.

6. This court perused the FIR. Apart from the defacto complainant listing out instances suggesting matrimonial differences, she was aggrieved by the fact that the petitioner had an illicit relationship with other women. There is an allegation that the petitioner demanded Rs.5,00,000/- and caused



cruelty on account of dowry demand, without specific details.

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7. Considering the aforesaid facts and the nature of allegation; and since custodial interrogation is not required for the purpose of investigation, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court -I, Tambaram** on condition that the 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 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 petitioner and the sureties shall



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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 petitioner shall report before the respondent police twice a week at 10:30 a.m until further orders;

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner



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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.

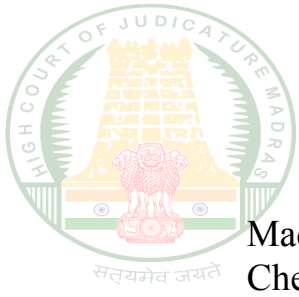
19.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. Inspector of Police,
W-1, All Women Police Station,
Tambaram, Chennai – 600 045.
2. The Public Prosecutor,

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Madras High Court,
Chennai.

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3. Judicial Magistrate Court -I, Tambaram.



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SUNDER MOHAN, J.

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