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Crl.O.P.No.4856 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4856 of 2025

1. Ciby John

2. Aleyamma Mathai

Petitioner(s)

Vs

State Rep.by its The Inspector of Police
W - 31, All Women Police Station, St. Thomas
Mount Police Station, Chennai. (Crime No. 3 of
2025)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.03 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. Veera Narayanan

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A, 294(b), 324 and 506(1) of IPC in Crime No.3 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the defacto complainant one Deepa Elizabeth John is that, the first petitioner is the husband and the second petitioner is the mother-in-law of the defacto complainant; and that the petitioners harassed, abused and assaulted the defacto complainant on account of dowry demand. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and the allegation against the petitioners are false; that the defacto complainant had lodged a complaint earlier against the petitioners in the year 2022, the respondent had conducted enquiry and closed the case; that to harass the petitioners, the defacto complainant had lodged a false complaint; 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 the alleged occurrence of assault was in the year 2022; that he further confirms the fact that the earlier complaint lodged by the defacto complainant against the petitioners was closed; and that the investigation is pending, hence opposed for 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, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the relationship between the parties, the fact that the earlier complaint lodged by the defacto complainant against the petitioners was closed and since custodial



interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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 Additional Mahila Court, Alandur** 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.

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



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[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 petitioner 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.

24.02.2025

stn

To

1. State Rep.by its The Inspector of Police
W - 31, All Women Police Station,
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(Crime No. 3 Of 2025)



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SUNDER MOHAN, J.

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