



Crl.OP.No.5338 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5338 of 2025

Dr.K.Elanthendral

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Ambur Taluk Police Station,
Tirupattur.
(Crime No.8 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in the event of his arrest in relation to Crime No.8 of 2025, pending investigation of the file of the respondent.

For Petitioner : Mr.A.Arun

For Intervenor : Mr.V.Elangovan

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



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ORDER

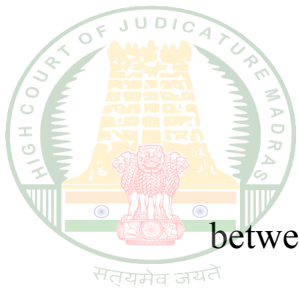
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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 194(3) of BNSS r/w 108 of BNS in Crime No.8 of 2025, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the deceased Dr.Kadalarasi; that there were matrimonial differences between the two of them; that on 07.01.2025, the defacto complainant, the father of the deceased received information that his daughter had consumed poison and thereafter when he went to the hospital, it was informed that the deceased had succumbed to the poison.

3.The further case of the prosecution is that the case was initially registered under Section 194(3) of BNSS on 08.01.2025 and the case has now been altered to Section 108 of BNS pursuant to the death of the deceased.

4.The learned counsel appearing for the petitioner submitted that the allegation of dowry demand is false; that there were matrimonial differences



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between the petitioner and the deceased; that even the FIR discloses only matrimonial differences; that the deceased had filed HMOP No.46 of 2024 for restitution of conjugal rights; that the petitioner had filed HMOP No.205 of 2024 on the file of the Vellore Family Court for divorce; that the allegation of dowry demand is an afterthought and that in any case custodial interrogation is not required and sought for anticipatory bail.

5.The learned counsel for the defacto complainant vehemently opposed the grant of anticipatory bail and submitted that the deceased had filed the petition for restitution of conjugal rights in HMOP No.46 of 2024 on the file of the Sub Court, Athur; and that the petitioner was constantly harassing the deceased and induced her to commit suicide and hence custodial interrogation is required and sought for dismissal.

6.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 also produced a copy of the RDO report.



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7.Though there are allegations of dowry demand, the reading of the FIR suggests that there were matrimonial differences between the petitioner and the deceased, since he used to come home often in an inebriated condition and harassed the deceased. The deceased herself had filed a petition for restitution of conjugal rights, which also suggests that she was willing to live with the petitioner.

8.Considering all the aforesaid facts and the nature of the allegations, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and hence, is inclined to grant anticipatory bail to the petitioner with certain conditions:

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Additional District Munsif cum Judicial Magistrate, Ambur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 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 daily 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 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 absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No

Internet : Yes / No

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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
Ambur Taluk Police Station,
Tirupattur.

2.The learned Additional District Munsif cum
Judicial Magistrate, Ambur.

3.The Public Prosecutor,
Madras High Court, Chennai.

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