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CrI.O.P.No.5787 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5787 of 2025

1.Balabhuvaneshwari

2. Renuga

... Petitioners/A2 & A3

Vs.

State, Rep. by Inspector of Police
AWPS Semmancherry Police Station,
Chennai.

(Crime No.19 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.19 of 2024, on the file of the respondent Police.

For Petitioners : Mr.Anandharaja Kajendran

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 498A, 324 and 506(ii) of IPC in Crime No.19 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that there were matrimonial differences between A1/husband of the defacto complainant and the defacto complainant; that A1 had received a cash of Rs.20 Lakhs and also retained the jewels of the defacto complainant; and that the petitioners had abetted A1 in the offences said to have been committed by him and also abused the defacto complainant in filthy language and attacked her.

3. The learned counsel appearing for the petitioners would submit that the allegations are false; that it is a case of matrimonial dispute and in any case the jewels of the defacto complainant had been handed over to her; that the petitioners are the aunt and mother of A1 and are aged 60 and 69 years respectively; and in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the jewels of the defacto



complainant were returned and that there is a matrimonial dispute between A1 and the defacto complainant.

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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. Considering the aforesaid facts, the age of the petitioners and the nature of the allegations against them, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and 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 (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate, Additional Mahila Court, Alandur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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



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satisfaction of the said Magistrate, on further condition that:

- [a] 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 an when required for interrogation;
- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners shall not tamper with evidence or witness 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*** 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.

03.03.2025

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SUNDER MOHAN, J.

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To

1.The Judicial Magistrate,
Additional Mahila Court, Alandur

2.The Inspector of Police,
AWPS Semmancherry Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras.

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