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Crl.O.P.No.6612 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6612 of 2025

1.B.Saravanan
2.Balamurugan
3.B.Maheswari
4.B.Kesavamoorthy
5.B.Sivaraman

...Petitioners/Accused 1 - 5

Vs.

State rep by
The Inspector of Police,
AWPS, Ambattur Police Station,
Ambattur, Chennai.

(Crime No.15 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.15 of 2025 pending investigation on the file of the respondent police.

For Petitioners	:	Mr.M.Jaikumar
For Intervenor	:	Mr.G.Anandkumar
For Respondent	:	Mr.S.Balaji
		Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent police, seeking anticipatory bail in Crime No.15 of 2025 registered for the offence under Sections 85, 296(b), 351(2) of BNS, 2023.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant; that the other petitioners are his parents and brothers; that the first petitioner is working in a Submarine Ship; that he used to travel abroad often on account of his job commitments; that the defacto complainant was subjected to harassment and humiliation by the other petitioners and thus committed the aforesaid offences.

3.The learned counsel for the petitioners would submit that the allegations are false; that the defacto complainant was willing to live with the first petitioner; that the defacto complainant insisted that the first petitioner should take her along with him whenever he travelled abroad; that



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his service conditions would not permit the same; that the allegations only disclose matrimonial differences and that custodial interrogation of the petitioners is not required and sought for anticipatory bail to the petitioners.

Earlier the parties were sent for mediation, which failed.

4. The learned counsel for the defacto complainant submitted that though the defacto complainant is willing to live with the first petitioner, the first petitioner is refusing to take her along with him; and that when she lived with the other petitioners, they caused cruelty to her.

5. The learned Government Advocate (Crl. Side) reiterated the prosecution case and opposed the grant of anticipatory bail.

6. This Court had carefully considered the rival submissions. The allegations in the FIR disclose matrimonial differences between the petitioners and the defacto complainant. Even according to the defacto complainant, she is willing to live with the first petitioner on certain conditions. The other petitioners are the parents and brother of the first petitioner. Considering the nature of allegations, this Court is of the view



that custodial interrogation of the petitioners is not required. Hence, this Court 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 days from the date of receipt of copy of this order, before the **Judicial Magistrate Court, Ambattur**, on condition that the petitioners shall execute separate 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 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 first petitioner shall report before the respondent Police twice a week i.e., on every Monday and Friday at 10.30 a.m., until further orders and the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation.



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trial;

[c] the petitioners shall not abscond either during investigation or

[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 [(2005)AIR SCW 5560]***;

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

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SUNDER MOHAN, J.

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Copy to:

- 1.The Inspector of Police,
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Ambattur, Chennai.
- 2.The Judicial Magistrate Court, Ambattur.
- 3.The Public Prosecutor,
High Court, Madras.

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