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Crl.O.P.No.6652 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 6652 of 2025

1. Murali
2. Chandran
3. Chinnaponnu
4. Sarathkumar

Petitioner(s)

Vs

The State Represented by,
The Station House Officer,
Thirukovilur All Women Police Station,
Kallakurichi District. (Crime No.105 of 2024)

Respondent(s)

For Petitioner(s) : M/s.Dharani

For Respondent(s) : Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioners on anticipatory bail in the event of their arrest by the Respondent in Crime No.105 of 2024 pending investigation on the file of the Respondent.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 296(b), 85 & 118(1) of BNS, in Crime No.105 of 2024, on the file of the respondent Police, seek anticipatory bail.



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2. The case of the prosecution is that the first petitioner and the de facto complainant got married in the year 2022; that the parents of the de facto complainant, at the time of marriage, had gifted jewels and furnitures worth about Rs.2 lakhs to the first petitioner; that on 01.10.2024, the first petitioner along with his family members demanded further dowry from the de facto complainant, harassed her and sent her to her parents' house.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent; that the allegations against them are false and that they have been falsely implicated in this case; that the First Information Report disclosed only matrimonial differences; that though the alleged occurrence took place on 01.10.2024, the complaint was lodged only on 28.12.2024 and even in the FIR, the de facto complainant had only complained that the first petitioner is refusing to live with her.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the investigation in this case is pending.



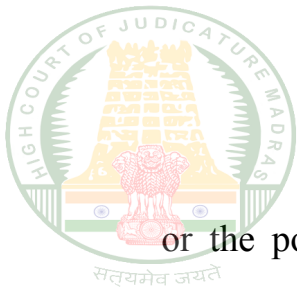
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5. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. It is seen from the First Information Report that the alleged occurrence took place on 01.10.2024. The complaint was lodged only on 28.12.2024. The FIR would show that the de facto complainant is aggrieved by the fact that the first petitioner is refusing to live with her.

7. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the complaint primarily discloses matrimonial differences 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.

8. 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 **Judicial Magistrate, Thirukovilur, Kallakurichi District**, 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



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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 first petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] petitioners 2 to 4 shall report before the respondent Police as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]*;



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

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To

1. The Station House Officer,
Thirukovilur All Women Police Station,
Kallakurichi District.
2. The Judicial Magistrate,
Thirukovilur, Kallakurichi District,



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SUNDER MOHAN J.

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