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Crl.OP.No.7080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7080 of 2025

1. Rajasekaran

2. Kokila

... Petitioners /Accused 2 and 3

Vs.

The State by Inspector of Police,
AWPS, Tambaram, Chennai
Crime No.3 of 2025

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in connection with the case in Crime No.3 of 2025 on the file of the respondent.

For petitioners : Mr.Titus Enock

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85, 316(2), 82(1) and 82(2) of BNS, 2023, in Crime No.3 of 2025 seek anticipatory bail.



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2. It is the case of the prosecution that the first accused, who is the son of the petitioners, and the defacto complainant got married on 05.12.2024; that the first accused and the petitioners had subjected the defacto complainant to cruelty on account of dowry demand and thereafter, without informing her, left for Australia; that the defacto complainant later came to know that the first accused had already married another woman and that a divorce case is pending before the Sub-Court, Tambaram; and that the petitioners were aware of these facts and are, therefore, also liable for the aforesaid offences.

3. The learned counsel for the petitioner would submit that the allegations are false; that the first petitioner had lodged a complaint against the defacto complainant, which is pending in CSR.No.89 of 2025; and that in any case, custodial interrogation is not required.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and confirmed that there are matrimonial differences between the first accused and the defacto complainant.



5. Considering the nature of allegations; there are no bad antecedents;

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

6. 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, Pallavaram**, on condition that the petitioners shall execute a 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 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 and when required for interrogation;



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[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

12.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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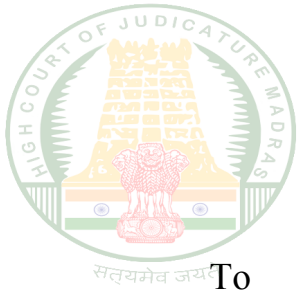
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1. The State by Inspector of Police,
AWPS, Tambaram, Chennai
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Judicial Magistrate, Pallavaram



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SUNDER MOHAN, J.

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