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Crl O.P.No.8009 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 8009 of 2025

1. E.B.Subbulakshmi
2. B.Sumithra
3. Jabarish

Petitioners/A1 to A3

Vs

The State Rep by,
The Sub-Inspector of Police,
J-3, Guindy Police Station,
Adyar, Chennai.
(Crime No.73 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on anticipatory bail in the event of arrest in Crime No. 73 of 2025 pending on the file of the respondent police.

For Petitioners	:	Mr.T.R.Sivaram
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 294(b), 324



Crl O.P.No.8009 of 2025

and 506 (ii) of the IPC, in Crime No.73 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the wife, Daughter and Son of the de facto complainant, respectively; that they all assaulted and abused the victim and thus committed the aforesaid offences. It is further the case of the prosecution that initially, the complaint was not taken on file and hence, the victim filed a petition under Section 156 (3) of Cr.P.C and obtained orders from the IX Metropolitan Magistrate, Saidapet, *vide* order dated 26.06.2023 ; that the victim, thereafter died on 14.07.2023 and hence, the FIR was registered on 07.03.2025.

3. The learned counsel for the petitioners submitted that the allegations are false; that the complaint was not taken on file; that it was only on the direction of the learned Magistrate, FIR was registered two years after the alleged ocurrence took place; and in any case, custodial interrogation of the petitioner is not required and sought anticipatory bail.



Crl O.P.No.8009 of 2025

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and on instructions, submitted that the complaint was initially not taken on file; that on the directions of the learned Magistrate, the complaint was registered on 07.03.2025 for the occurrence that took place in the year 2023; and that in the meanwhile, the victim died due to natural causes.

5. Taking into consideration the facts and circumstances of the case, the nature of allegations against the petitioners, the fact that the alleged offence took place in the year 2023 and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 days from the date of receipt of a copy of this order, before the **learned IX Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



Crl O.P.No.8009 of 2025

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, 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 and the second petitioners shall report before the respondent police as and when required and the third petitioner shall report before the respondent police twice a week, before the IX Metropolitan Magistrate, Saidapet, Chennai, viz., on Monday and Thursday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is



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Crl O.P.No.8009 of 2025

entitled to take appropriate action against the petitioner 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 of B.N.S.

21.03.2025

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Crl O.P.No.8009 of 2025

SUNDER MOHAN, J.

vca

To,

1. The Sub-Inspector of Police,
J-3, Guindy Police Station,
Adyar, Chennai.
2. The IX Metropolitan Magistrate,
Saidapet, Chennai
3. The Public Prosecutor,
Madras High Court.

CRL OP NO. 8009 of 2025

21.03.2025