



WEB COPY



Crl.OP.No.11453 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.11453 of 2025

1. Ashiba Banu

2. Vahitha banu

... Petitioner(s)

Vs.

State rep. by

The Sub-Inspector of Police,

AWPS Permbalur,

Perambalur District.

Crime No.1 of 2023

... Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.1 of 2023 pending investigation on the file of the respondent police.

For petitioner(s) : Mr.R.Jagadeeshwaran

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



Crl.OP.No.11453 of 2025

WEB COPY

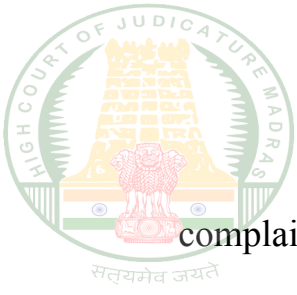
ORDER

This is the second anticipatory bail application filed by the petitioner before this Court.

2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 498(A) and 506(i) of IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.1 of 2023, seek anticipatory bail.

4. It is the case of the prosecution that there was a matrimonial dispute between the first accused and the defacto complainant; that the first accused left India and married another girl without the consent of the defacto



Crl.OP.No.11453 of 2025

complainant; and that the petitioners are the wife and aunt of the first accused.

WEB COPY

5. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.1608 of 2023 on 21.06.2024, the petitioners have not been arrested so far; and that considering the nature of allegations, the petitioners may be granted anticipatory bail.

6. The learned Government Advocate (Crl.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 main accused was arrested and released on bail; and that the final report has been filed.

7. Though the earlier anticipatory anticipatory bail application was dismissed by this Court in Crl.O.P.No.1608 of 2023 on 21.06.2024, the



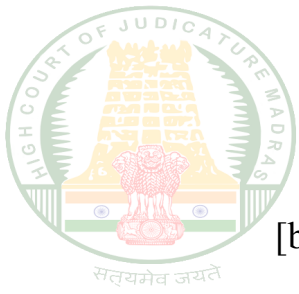
petitioners have not been arrested so far. The final report has been filed.

WEB COPY

Considering the aforesaid facts, the fact that the co-accused has been granted bail and since, 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.

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 is made ready, before the **Judicial Magistrate Additional Mahila Court, Perambalur, Perambalur District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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.



Crl.OP.No.11453 of 2025

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

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

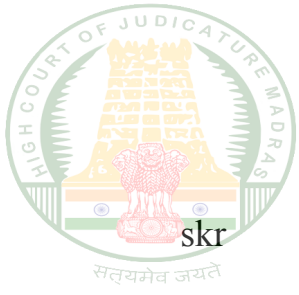
[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner 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 BNS.

17.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No



Crl.OP.No.11453 of 2025

WEB COPY

SUNDER MOHAN, J.

skr

To

1. The Sub-Inspector of Police, AWPS Permbalur, Perambalur District.
2. The Public Prosecutor, Madras High Court, Chennai.
3. Learned Judicial Magistrate Additional Mahila Court,
Perambalur, Perambalur District.

Crl.OP.No.11453 of 2025



WEB COPY



CrI.OP.No.11453 of 2025

17.04.2025