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Crl.O.P.No.9076 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.9076 of 2025

1. Mujeeb Baig
S/o. Moo Min Baig
2. Rahamathunisa
W/o. Moo Min Baig
3. Mohasin Beig
S/o. Moo Min Baig

....Petitioners/Accused 1-3

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thirukoilur,
Kallakurichi District.

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest **in Crime No.15 of 2025**, pending on the file of the respondent police.



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For Petitioners

: Mr. D. Ashok Kumar

For Respondent

: Mr. S. Balaji
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85, 296(b), 131, 351(3) of BNS, 2023, in Crime No.15 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the *de facto* complainant, the second and third petitioners are the mother and the brother respectively of the first petitioner; that ever since the date of marriage, the petitioners demanded Rs.20,00,000/- as dowry from the *de facto* complainant; that though the *de facto* complainant was pregnant, all the petitioners had abused her; that on 18.11.2024, a girl child was born to the *de facto* complainant; that on 20.01.2025, the petitioners went to the house of the *de facto* complainant and abused her in filthy language and demanded dowry and also threatened her with knife and thus committed the aforesaid offence.



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3. The learned counsel appearing for the petitioners would submit that the allegations of dowry demand are false; that the *de facto* complainant quarreled with the first petitioner often and on earlier occasion the complaint given by the *de facto* complainant on 30.10.2024 was closed; that the first petitioner had issued a legal notice on 15.02.2025 and that the instant complaint was lodged only thereafter. Hence, he submitted that custodial interrogation of the petitioners is not required and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the complaint was lodged on 18.02.2025 and C.S.R. No.75/2025 was assigned and later it was registered as FIR 15/2025.

5. It is seen that the allegations primarily relate to matrimonial differences. It is also seen that the first petitioner had sent legal notice to the *de facto* complainant on 15.02.2025 and thereafter the *de facto* complainant has lodged this complaint. Considering the nature of



allegations, this Court is of the view that custodial interrogation of the petitioners is not required. In view of the same, 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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Sankarapuram**, on condition that each of the petitioner 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 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 and the second and third petitioners shall report**



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before the respondent police as and when required.

[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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

01.04.2025

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To

1. The Judicial Magistrate, Sankarapuram.
2. The Inspector of Police,



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All Women Police Station,
Thirukoilur, Kallakurichi District.

3. The Public Prosecutor, High Court, Madras

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SUNDER MOHAN, J.

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