



Crl.OP.No.9095 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9095 of 2025

V.Ganesh

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Hasthampatti Police Station,
Salem District.
(Crime No.371 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.371 of 2024 on the file of the respondent Police.

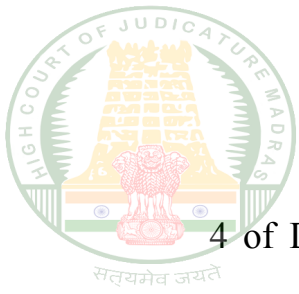
For Petitioner : M/s.S.P.Harikrishnan

For Intervenor : M/s.K.P.Anantha Krishna

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 498(A) of IPC and Section

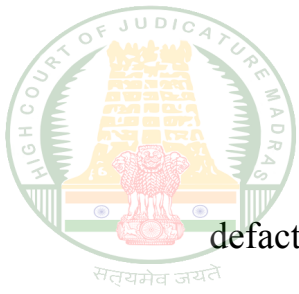


4 of Dowry Prohibition Act in Crime No.371 of 2024, seeks anticipatory
bail.

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2. The case of the prosecution is that the petitioner and the defacto complainant got married on 27.01.2020; that ever since the marriage, the petitioner and his parents had caused cruelty to the defacto complainant by demanding additional dowry over and above the gifts given by the defacto complainant's parents including a luxury car, jewellery and cash; that the defacto complainant was subjected to severe harassment and was coerced to undergo medical trials and tryouts for the research purposes of the petitioner and that the petitioner and his family members threatened to kill the baby in the womb; that the petitioner and his family members also subjected her to undergo a scan to determine the sex of the foetus, and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false and that the matrimonial differences between the petitioner and the defacto complainant have been exaggerated by the



defacto complainant; that the articles belonging to the defaco complainant have been returned to her and that in any case, custodial interrogation is not required and prayed for anticipatory bail to the petitioner.

4. The learned counsel appearing for the defacto complainant vehemently opposed the grant of anticipatory bails stating that the defacto complainant was subjected to harassment to undergo medical tests for the petitioner's sister's research; that though the defacto complainant's parents had given a luxury car, jewelery and cash, the petitioner demanded further dowry and caused harassment to the defacto complainant.

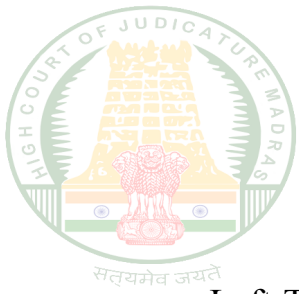
5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the articles belonging to both the petitioner and the defacto complainant had been exchanged.



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6. It is seen that, even according to the defacto complainant, a portion of the articles were returned to her in the presence of police. The allegations primarily disclose matrimonial differences between the petitioner and the defacto complainant and hence, this Court is of the view that the allegations against the petitioner do not warrant custodial interrogation. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Additional Mahila Court, Salem**, 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:



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[a] the petitioner 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 petitioner shall report before the respondent police twice a week at 10.30 a.m., until further orders.

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

[d] the petitioner 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 absconds, a fresh FIR can be registered under Section 269 BNS.

8. At this juncture, both the learned counsel for the petitioner and the defacto complainant request this court that the matter may be referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.



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9. Considering the request made by the learned counsel on either

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side, this Court is inclined to refer the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. The parties are directed to appear before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on 24.04.2025. Thereafter, the Mediation Centre is directed to conclude the proceedings on or before 09.06.2025 and the Registry is directed to list the case before this Court on 10.06.2025.

15.04.2025

Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Hasthampatti Police Station,
Salem District.
- 2.The learned Additional Mahila Court,
Salem.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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