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Crl.O.P.No.8974 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 8974 of 2025

S.Udhayaraj

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
W29 All Women Police Station,
Avadi City, Tiruvallur. (Crime No.5 of 2025)

Respondent(s)

For Petitioner(s) : Mr.S.Sathish

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

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.5 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 294(b), 498(A) of IPC r/w Section 4 of Dowry Prohibition Act, in Crime No.5 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the de facto complainant is that, the petitioner, aged 39 years, at the time of marriage, falsely represented that he was 35 years and was earning Rs.50,000/- as a monthly salary besides receiving rental income of Rs.1 lakh, had married the de facto complainant; that he demanded gold and silver articles as dowry; that only after marriage, the de facto complainant came to know that the petitioner had falsely represented his age and salary; and that later, the petitioner had caused cruelty to the de facto complainant by demanding more dowry.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that he has been falsely implicated in this case; and that the allegations are false and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions confirmed that there was a matrimonial dispute between the petitioner and the de facto complainant.

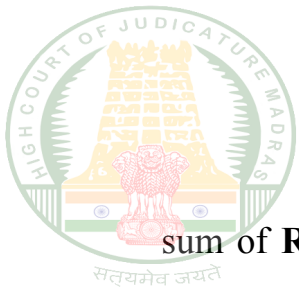


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WEB COPY 5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. A perusal of the First Information Report discloses that the allegations are made primarily because the petitioner was not earning sufficiently and had frequent quarrels with the de facto complainant in an inebriated condition. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side, the fact that the allegations disclose the matrimonial differences and since, custodial interrogation is not required for the purpose of investigation, 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 made ready, before the learned **Judicial Magistrate No.I, Poonamallee**, on condition that the petitioner shall execute a separate 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 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 everyday 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 petitioner 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]*;



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Inspector of Police,
W29 All Women Police Station,
Avadi City, Tiruvallur.
2. The Judicial Magistrate No.I,
Poonamallee.



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SUNDER MOHAN J.

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