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Crl.O.P.No.9726 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM
THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.9726 of 2025
and CMP NO.11088 of 2025

1. Muruga Ganesh
2. Sakthi
3. Akila devi
4. Sivabharathi

... Petitioners/ Accused

Vs

The State rep. by,
The Inspector of Police,
Maruvathur Police Station
Perambalur District.
(Crime No.945 of 2024)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on
anticipatory bail in the event of arrest by the respondent in Crime No.945 of
2024 on the file of the respondent police.

For Petitioners : Mr. C. Prakasam

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

For Intervener : Mr. S. Shanmuga Velayutham
For Mr. T. Balachandran



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294, 379 and 506(i) of Indian Penal Code in Crime No.945 of 2024 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner/ Muruga Ganesh is the husband and the other petitioners herein are the in-laws of the defacto complainant; that on account of matrimonial dispute, the defacto complainant is living separately; that on 05.02.2024, the petitioners trespassed into the defacto complainant's dental clinic and taken away the equipments, documents and certificates, which belongs to the defacto complainant. Further, the defacto complainant immediately lodged complaint against the petitioners before the respondent police but the same was not taken on file, hence the defacto complainant approached the concerned Magistrate Court and subsequently, the case was registered in Crime No.945 of 2024 on 27.12.2024.

3. The learned counsel appearing for the petitioners submitted that on account of matrimonial dispute, a false complaint has been lodged



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against the petitioners, who are the husband and in-laws of the defacto complainant. He also submitted that since the defacto complainant is a Dentist and on account of running a clinic, the said dental clinic premises was taken on rent by the first petitioner herein and all the equipments in the clinic were also purchased by the first petitioner; that at a later point of time, due to matrimonial dispute, the defacto complainant stopped running the clinic; that since there was rent due and expiry of the rental contract, on the basis of the request made by the owner of the premises, the first petitioner vacated the said clinic. He further submitted that matrimonial proceedings between the parties were already pending and only to harass the petitioners herein, the defacto complainant had lodged a false complaint. He also submitted that the alleged occurrence is said to have taken place in the month of February 2024, but the FIR was registered only in the month of December 2024 and the petitioners are ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioners.

4. The learned counsel for the intervener raised strong objection for grant of anticipatory bail to the petitioners by stating that the petitioners have not only taken away the equipments from the defacto complainant's



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clinic but also her certificates. He also submitted that the petitioners have also abused and harassed the defacto complainant and matrimonial and domestic violence proceedings were also initiated against the petitioners herein.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the equipments and certificates of the defacto complainant were taken away by the petitioners herein and the same has not been recovered yet and the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

6. I have considered the submissions made on either sides and perused the materials available on record including the contents in the FIR.

7. Considering the facts and circumstances of this case, since the first petitioner herein/ Muruga Ganesh played a major role in vacating the dental clinic, taking away the equipments and belongings of the defacto complainant and the same was not handed over till date, **this Court is not inclined to grant anticipatory bail to the first petitioner herein, thereby**

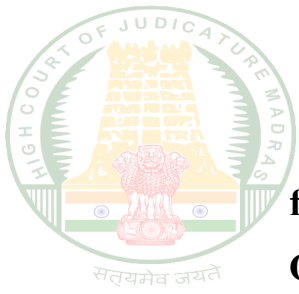


the anticipatory bail application of the first petitioner/ Muruga Ganesh is dismissed at present.

8. Considering the facts of the case, nature of allegation and taking note of the fact that the petitioners 2 to 4 are only the in-laws of the defacto complainant and since custodial interrogation of them are not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 herein/ Sakthi, Akila devi and Sivabharathi with certain conditions.

9. Accordingly, the petitioners 2 to 4 herein/ Sakthi, Akila devi and Sivabharathi 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 Principal District & Sessions Judge, Perambalur** on condition that the petitioners 2 to 4 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 learned Magistrate concerned and on further condition that:

[a] if the petitioners 2 to 4 fail to surrender before the concerned Magistrate within a period of fifteen days



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Crl.O.P.No.9726 of 2023



**from the date on which the order copy made ready, this
Order shall stand automatically cancelled;**

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

**[c] the petitioners 2 to 4 shall report before the
respondent police as and when required for interrogation;**

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283];

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

10. Accordingly, this criminal original petition is ordered.
Consequently, connected criminal miscellaneous petition stands closed.



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To

1. The Principal District & Sessions Judge,
Perambalur.
2. The Inspector of Police,
Maruvathur Police Station
Perambalur District.
(Crime No.945 of 2024)
3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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