



Crl.OP.No.10959 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.10959 of 2025

1.Dharmadurai

2.Gandhimani

3.Ayyakuttai

4.Chinnaponnu

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
AWPS Namakkal,
Namakkal District
(Crime No.14 of 2025)

.. 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 their arrest in Crime No.14 of 2025 on the file of the respondent Police.

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

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



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ORDER

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2. The case of the prosecution is that the first petitioner and the defacto complainant got married on 21.02.2011 and that there were matrimonial differences between them; that the first petitioner and the defacto complainant were living separately since 2018; that subsequently, the first petitioner married the 2nd petitioner while the marriage with the defacto complainant was still subsisting and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false and disclose only the offence of bigamy and that in any case, custodial interrogation is not required and prayed for anticipatory bail to the petitioners.

4. 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 submitted that the first petitioner married the 2nd petitioner despite not having obtained a divorce from the defacto complainant.

5. The allegations in the FIR disclose only matrimonial differences and that the 1st petitioner married the 2nd petitioner despite not having obtained a divorce from the defacto complainant. The allegations disclose the offence of bigamy. Considering the nature of allegations in the FIR, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Accordingly, 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 is made ready, before the **learned Judicial Magistrate, Additional Mahila Court, Namakkal**, 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



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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 1st petitioner shall report before the respondent police twice a week at 10.30 a.m., until further orders and the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 269 BNS.



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Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
AWPS Namakkal,
Namakkal District
- 2.The learned Judicial Magistrate,
Additional Mahila Court, Namakkal.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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