



Crl.OP.No.11003 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.11003 of 2025

1.Santhi

2.M.Dinesh Kumar

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
All Women's Police Station,
Tiruvannamalai District
(Crime No.34 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 their arrest in Crime No.34 of 2024 on the file of the respondent Police.

For Petitioners : M/s.M.Vimal

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 Section 417, 498A, 313, 506(2) and
Section 109 of IPC in Crime No.34 of 2024, seek anticipatory bail.



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2. The case of the prosecution is that on the promise of marriage, the first accused had sexual intercourse with the defacto complainant; that subsequently, the first accused and the defacto complainant got married on 04.02.2022; and that thereafter, the first accused refused to live with the defacto complainant; that petitioners are the mother and brother of the first accused.

3. The learned counsel appearing for the petitioner would submit that the petitioners have nothing to do with the alleged offence and they have been falsely implicated only to arm-twist the first accused 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 on instructions submitted that the first accused had already been arrested and released on bail.

5. Considering the nature of allegations against the petitioners who



are mother and brother of the first accused respectively, the first accused has already been arrested and released on bail and since custodial interrogation of the petitioner is not required for the purpose of investigation, 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 Magistrate Level), Tiruvannamalai**, 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:

[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 as and when required for interrogation and the 2nd petitioner shall report



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before the respondent police twice a week at 10.30 a.m., until further orders.

[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.

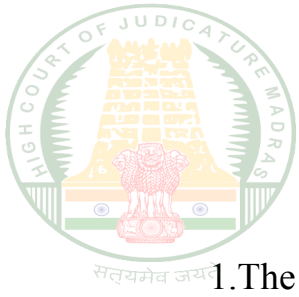
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Index : Yes / No

Internet : Yes / No

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To



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- 1.The Inspector of Police,
All Women's Police Station,
Tiruvannamalai District
- 2.The learned Judicial Magistrate
(Additional Mahila Court Magistrate Level),
Tiruvannamalai
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN, J.

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