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CRL OP No. 12022 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12022 of 2025

1. Thamaraiselvan
S/o.Kunar Residing at
No.19,Kanarajapuram, 24th Street,
Pudukottal Town, Pudukottai District.

Petitioner(s)

Vs

1. The State rep by, The Inspector of
Police,
W-29, All Women Police Station,
Avadi, Chermai-54. (Crime No.11 of
2024)

Respondent(s)

PRAYER

To enlarge the petitioner on bail in the event of his arrest in connection with the Crime No 11 of 2024 pending investigation on the file of the Inspector of police, All Women Police station, Avadi, Chennai 600 054 and thus render justice.

For Petitioner(s): Vijayakumar A
 V.Perarasu



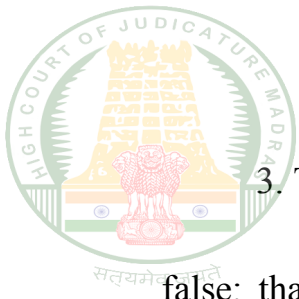
For Respondent(s): Public Prosecutor

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ORDER

The petitioner/accused apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 406 and 420 of the IPC in Crime No.11 of 2024 and seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner/accused and the *de-facto* complainant had a love affair; that on 27.01.2020, they both got married; that the petitioner was working in a private company at their native place; that the petitioner wanted to do business and shift to Chennai; that he requested the *de-facto* complainant to give Rs.7,00,000/- (Rupees Seven Lakhs only) for setting up a business; that the *de-facto* complainant handed over the said cash; that both of them, thereafter shifted to Chennai; that they were living in Chennai for six months; that since the business did not prosper the *de-facto* complainant left to her native place; that when she tried to contact the petitioner, he had not responded to the calls and had abandoned her and thus committed the aforesaid offences.



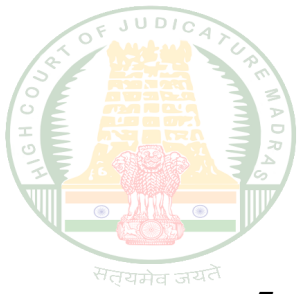
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3. The learned counsel for the petitioner submitted that the allegations are false; that there were matrimonial differences between the petitioner and the *de-facto* complainant; that the petitioner had filed a divorce petition in [H.M.O.P.No.51](#) of 2024 and while the said divorce petition was pending, the impugned complaint was lodged; that no money was handed over to the petitioner; and that, in any case, the allegations do not warrant custodial interrogation and sought anticipatory bail.

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 instruction submitted that the *de-facto* complainant had given 20 sovereigns gold and 7 lakh cash to the petitioner.

5. This court had carefully considered the rival submissions.

6. Admittedly, the petitioner and the *de-facto* complainant had a love affair and got married with the blessings of elders and were living together for some time. The allegations reveal matrimonial differences after marriage and a money dispute. The petitioner had filed a divorce petition, which is pending at present in Sub-Court, Sirkali, in [H.M.O.P.No.98](#) of 2024.



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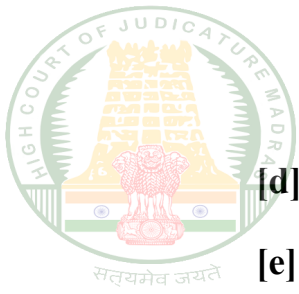
7. Considering the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner is not required and hence this Court is inclined to grant anticipatory bail petition to the petitioner.

8. 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 Judicial Magistrate No.I, Poonamalli, 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 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 as and when required.

[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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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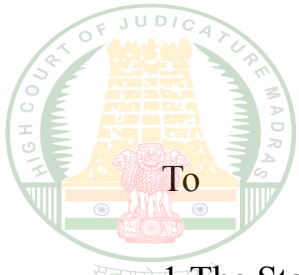
22-04-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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SUNDER MOHAN J.

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