



WEB COPY



Crl.O.P.No.13071 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13071 of 2025

B.Frosh Ahamed

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
AWPS – Villupuram,
Villupuram District.

(Crime No.24 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.24 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Iyyapparaj

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



Crl.O.P.No.13071 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.24 of 2025 registered for the offence under Section 85 of BNS, 2023 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2.The case of the prosecution is that the petitioner and the defacto complainant got married on 03.07.2022; that soon after the marriage, the petitioner and the defacto complainant developed matrimonial differences; that she was living separately since November 2022; that the petitioner had pronounced Talaq contrary to Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 on 25.10.2024 and thus committed the aforesaid offences. It is further alleged that during the period from August 2022 to November 2022, the petitioner harassed the defacto complainant and had beaten her in an inebriated condition.



WEB.COM

3.The learned counsel for the petitioner would submit that the allegations are false; that in any case, the allegations reveal matrimonial differences and do not warrant custodial interrogation and sought for anticipatory bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner constantly treated her with cruelty; that the petitioner and the defacto complainant were living separately from 2022; and that after the petitioner had pronounced Talaq, the instant complaint was lodged.

5. Admittedly, the petitioner and the defacto complainant are living separately since 2022. The allegation of cruelty pertains to the period when they were together. The instant complaint was lodged since the petitioner had illegally pronounced Talaq. Though the act of the petitioner may be in violation of the aforesaid Act, this Court is of the view that the allegations do not warrant custodial interrogation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



WEB COPY

6. 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 of receipt of copy of this order, before the **Additional Mahila Court, Villupuram**, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] 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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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***



Crl.O.P.No.13071 of 2025

of Kerala [(2005)AIR SCW 5560];

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 B.N.S.

28.04.2025

rkp

Copy to:

- 1.The Inspector of Police,
AWPS – Villupuram,
Villupuram District.
- 2.The Additional Mahila Court, Villupuram.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.13071 of 2025

SUNDER MOHAN, J.

rkp

Crl.O.P.No.13071 of 2025

28.04.2025