



Crl.O.P.No.14946 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved On</i>	<i>22.05.2025</i>
<i>Pronounced on</i>	<i>13.06.2025</i>

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

Crl.O.P.No.14946 of 2025

Shivakumar

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
CCB Chennai
(Crime No.44 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in Crime No.44 of 2025 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Anirudh A Sriram

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Intervenor : Mr.R.John Sathyan
senior counsel assisted by
Mr.S.Yogarajasekar



CrI.O.P.No.14946 of 2025

WEB COPY

ORDER

The petitioner/A1, who was arrested and remanded to judicial custody on 30.04.2025, for the alleged offences punishable under Section 498(A), 307, 294(b), 506(1), 465, 468, 34 IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.44 of 2025, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein is the husband of the defacto complainant. The petitioner and the defacto complainant had known each other since 2009 and had a love affair. After obtaining the consent of both families, their engagement, took place on 30.09.2022, and subsequently, their wedding was solemnized on 12.03.2023 at Chennai. Although they were in a long-term love relationship, differences arose within three months after their marriage, turning their happy life into a dreadful and painful relationship. The petitioner is alleged to have harassed the defacto complainant by demanding money. Hence, the case.



Crl.O.P.No.14946 of 2025

WEB COPY

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would contend that the petitioner and the defacto complainant had led a happy and peaceful life, but due to a difference of opinion, the defacto complainant preferred a complaint before the respondent police, and a case was registered in Crime No.44 of 2025 on 13.03.2025. Based on the F.I.R, the petitioner was arrested by the respondent police on 30.04.2025 under Sections 498(A), 307, 294(b), 506(1), 465, 468, 34 IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998. The learned counsel also pointed out that when differences arose between the petitioner and the defacto complainant, they mutually agreed to seek a divorce, and the defacto complainant had sent a draft mutual consent divorce application, which is annexed to this bail application at Page No.51. Paragraphs 7 and 9 at Page No.54 are extracted hereunder:

"7.The petitioners submit that both the petitioners returned their respective belongings to each other and there are no pending items including gold and silver articles between them.

8.The petitioners state, in so far as the maintenance is concerned, the petitioners are waiving



WEB COPY

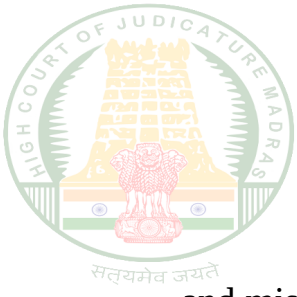


CrI.O.P.No.14946 of 2025

their rights of claiming maintenance from each other and no amount is due between the petitioners regarding maintenance for the past, present, and future."

4. The learned counsel further contended that, given the nature of the allegations between the husband and wife, his arrest on 30.04.2025, and remand to the judicial custody on 1st May 2025, further incarceration would be unwarranted, especially since it is a family dispute and a difference of opinion between the husband and wife. He further contended that the allegations levelled by the defacto complainant, particularly the whatsapp communication between them, which finds a place in the typed set of papers, clearly show it is only a matter of difference of opinion and mutual separation. The learned counsel submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

5. Per contra, Mr.R.John Sathyan, learned senior counsel appearing for the intervenor / defacto complainant, contended that although it was a love-cum-arranged marriage, the petitioner had demanded a huge amount of money as dowry and further, the petitioner had made many attempts to spoil



Crl.O.P.No.14946 of 2025

WEB COPY

and misuse the reputation of the defacto complainant's family.

6. The learned senior counsel appearing for the intervenor / defacto complainant further pointed out that the husband and all the in-laws of the defacto complainant were involved in many criminal cases and they have bad antecedents, particularly cases concerning cryptocurrency. He further pointed out that the Whatsapp chats between the petitioner and the defacto complainant would show that the petitioner along with the in-laws of the defacto complainant had created a forged rental agreement with forged signature of the defacto complainant, which was signed by the petitioner herein. The learned senior counsel further contended that the debit cards of the defacto complainant were used by the petitioner without the knowledge of the defacto complainant. Therefore, he vehemently opposed for grant of bail to the petitioner.

7. Mr. A. Gopinath, learned Government Advocate (Crl. Side), pointed out that the petitioner was arrested and produced before the Judicial Magistrate. The travel time has to be excluded, and since the petitioner did not raise any allegations regarding delay in arrest when produced before the



Crl.O.P.No.14946 of 2025

Magistrate, further consideration is required. However, it is noted that the grounds of arrest was not intimated to either the petitioner or his family members. Given that the allegations are factual aspects that can be determined only at the time of trial, and considering the family issues and differences, it is possible that these could be sorted out either through reconciliation or by approaching the Family Court with a petition for divorce, which could resolve the entire issue, he submitted.

8. Heard both sides and perused the materials available on record, including the First Information Report.

9. While considering the allegations and counter allegations made between the parties, it is clear that subject matter of this case is more than just a difference of opinion between the husband and wife. The conduct of the petitioner, including threatening the defacto complainant via Whatsapp that he would misuse the reputation of her family, demonstrates cruel behaviour. The petitioner threatened to harm not only his wife's reputation but also that of her family.



Crl.O.P.No.14946 of 2025

WEB COPY

10. The reputation of a family is built over time and plays a significant role in determining its social status. Baseless allegations can destroy the reputation built by a family over the years. Furthermore, creating a rental agreement with the forged signature of the defacto complainant without her knowledge or consent is a serious issue. The petitioner's admission that the rental agreement was created solely for obtaining a bank loan does not justify his actions. This act constitutes cheating and fabrication of documents, which is required to be determined during the trial.

11. The learned senior counsel for the defacto complainant laid emphasis on the aforesaid allegations against the petitioner by producing the original rental agreement between one Srinivasan and the petitioner, and the forged rental agreement created by the petitioner in the name of the defacto complainant. A comparison of these two documents clearly indicates that the petitioner consciously created a forged rental agreement purporting that it was prepared and signed by his wife, the defacto complainant.

12. The learned Government Advocate (crl.side) has filed a counter, in which the Assistant Commissioner of Police in Paragraph 5, has



CrI.O.P.No.14946 of 2025

detailed the antecedents of A2 and A4 as follows:

"5. It is further submitted that the petitioner A2 Tr.Vijeyanathan and A4 Tmt. Sangeetha is having a cheating case in St. Thomas Mount Police Station Cr.No.395/2023, U/s 406, 420 of IPC. The petitioner/ accused A4 Tmt. Sangeetha and A5 Tr. Bijoy is already involved as accused in 1) Avadi City CCD-I Cr.No.244/2024, U/s 318 of BNS 2023 r/w 66 (D) of Information Technology (Amendment) Act 2008, 2) Avadi City CCD - I Cr.No.150/2024, U/s U/s 420 of IPC r/w 66 (D) of Information Technology (Amendment) Act 2008 and 3) Vellore CCD - II Cr.No.57/2024, U/s 420 of IPC r/w 66 (D) of Information Technology (Amendment) Act 2008. Since, the complainant's family refused to help the petitioner/accused A4 & A5 to get rid of the cases, all the accused interfere and disturb the peaceful life of the defacto complainant and her family even after her separation from A1 accused."

13. Though this is a case of family dispute which has culminated into a criminal case under Section 498A of IPC read with Sections 3 and 4 of Dowry Prohibition Act coupled with Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, the facts demonstrate the cruel and criminal nature of the petitioner. The petitioner's actions, including creating a forged agreement and affixing his wife's signature, as well as allegations of physical



Crl.O.P.No.14946 of 2025

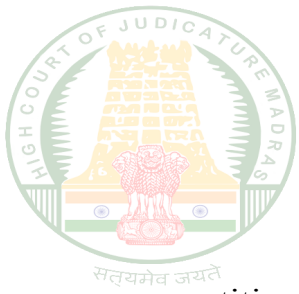
assault, verbal abuse, and humiliation, reflects inhuman behaviour.

WEB COPY

14. As the bad antecedents of the co-accused relates to other offences which are not connected to the present case, it does not directly impact the dispute between the husband and wife. Given the nature of serious allegations made by the defacto complainant against her husband/A1 who has filed the bail application, this Court is of the view that it is appropriate to approach the family court for mutual divorce, or to reconcile their relationship.

15. As the case arises out of differences between the husband, wife and other in-laws, the Hon'ble Supreme Court and various High Courts suggest for mediation to amicably resolve such disputes. Such an exercise is advisable, as it helps to avoid the multiplicity of proceedings. Thereby, the parties are advised to workout their remedies through mediation and resolve all the pending issues.

16. By taking into consideration the period of incarceration from the date of arrest, i.e 30.04.2025, this Court is inclined to grant bail to the



Crl.O.P.No.14946 of 2025

petitioner, on the following conditions.

WEB COPY

17. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **XI Metropolitan Magistrate, Saidapet** and on further conditions 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 respondent police daily at 10.00 a.m for a period of four weeks and thereafter as and when required for interrogation;

[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



WEB COPY



Crl.O.P.No.14946 of 2025

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 B.N.S.

13 . 06 .2025

Anu

(4 / 4)

To

1.The XI Metropolitan Magistrate, Saidapet.

2. The Inspector of Police,
CCB Chennai

3.The Superintendent,
Central Prison, Puzhal

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.14946 of 2025

N.SENTHILKUMAR,J.

Anu

Pre-delivery order made in
Crl.O.P.No.14946 of 2025

13. 06.2025