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Crl.OP.No.15148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15148 of 2025

1.Srinivas K.P
2.K.Purushothaman
3.P.Eswari

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
W30, All Women Police Station,
Poonamallee, Chennai – 600 056
(Crime No.Not Known)

.. Respondent

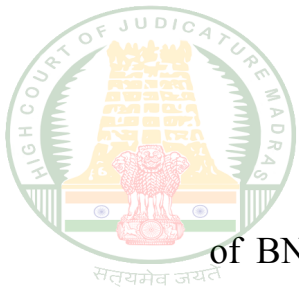
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of arrest in Crime No.Not Known on the file of the Inspector of Police, W30,
All Women Police Station, Poonamallee, Chennai – 600 056.

For petitioner : Mr.Poovendhan Sankar

For Respondent : Mr.V.Meganathan
Government Advocate(Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 3(5), 75, 79, 85, 86 and 351



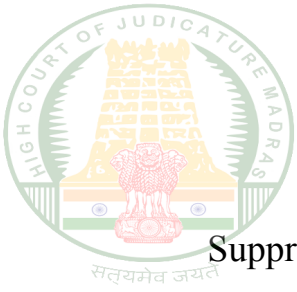
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of BNS Act r/w 3 and 4 of the Dowry Prohibition Act, 1961 in Crime
No. Not Known, seek anticipatory bail.

2. Initially, this petition is filed at the stage of Crime Number not known and now the learned Government Advocate (Crl.Side) submitted that Crime Number.6 of 2025 for offences under Section 498A of IPC was assigned in this case and further submitted that first and second petitioner have been arrayed as A1 and A2 and the third petitioner is not an accused.

3. The case of the prosecution is that the first petitioner is the husband of the defacto complainant, second and third petitioners are the first petitioner's parents. Due to matrimonial dispute between the petitioner and the defacto complainant, the defacto complainant left from the marital house and the second petitioner also attempted to misbehave with the defacto complainant. Hence, the case.

4. The contention of the learned counsel for the petitioners is that there is Domestic Violence Complaint and matrimonial cases are ending before the Family Court between the petitioner and the defacto complainant.

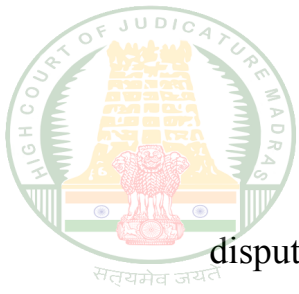


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Suppressing these facts, the instant complaint has been lodged against the petitioners. The petitioners have been falsely implicated in this case. He further submitted that the custodial interrogation of the petitioners are not required and sought for anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that on the complaint of the defacto complainant, preliminary enquiry was conducted. The complaint is that the first petitioner, husband of the defacto complainant was impotent and the second petitioner, father-in-law attempted to misbehave with the defacto complainant and there is no allegation against the third petitioner. Hence, the third petitioner's name was dropped.

6.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this petition with regard to the third petitioner is closed. Considering the matter is related to matrimonial



dispute and Domestic Violence Case and matrimonial cases are pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners 1 & 2 with certain conditions:

7. Accordingly, the petitioners 1 & 2 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 of receipt of a copy of this order, before the **learned Judicial Magistrate, Poonamallee** on condition that the petitioners 1 & 2 shall execute a separate 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] if the petitioners 1 & 2 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] **the petitioners 1 & 2 shall report before the**



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respondent Police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation.

[d] the petitioners 1 & 2 shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 1 & 2 shall make himself available for interrogation by a Police office as and when required;

[f] the petitioners 1 & 2 to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioners 1 & 2 shall not abscond either during investigation or trial;

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1 & 2 in accordance with law as if the conditions have been imposed and the petitioners 1 & 2 released on bail by the learned Magistrate/Trial Court himself

M.NIRMAL KUMAR, J.

as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



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

registered under Section 269 of BNS.

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Index : Yes / No

Internet : Yes / No

rkp/ep

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Inspector of Police,
W30, All Women Police Station,
Poonamallee, Chennai – 600 056
- 2.The Judicial Magistrate, Poonamallee.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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