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Crl.O.P.No.15820 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2025

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHIL KUMAR

CRL OP NO.15820 of 2025

1. Oliullah
2. Samsudeen
3. Kathija Bee
4. Fathima Bee @ Chandra

... Petitioner(s)/ A1 to A4

Vs

State rep. by,
The Inspector of Police,
Sholavaram Police Station,
Avadi District.
(Crime No.309 of 2025).

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.309 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. Mohamed Ansar

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



ORDER

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2. The case of the prosecution is that the first petitioner is the husband and the petitioners 2 to 4 are in-laws to the defacto complainant; that on account of matrimonial dispute, the first petitioner had got divorce (Khula) from the defacto complainant through Sholavaram Muslim Jamath; that in order to take away the property documents, which is under the custody of the defacto complainant, on 11.05.2025 the petitioners trespassed into the defacto complainant's house with an iron rod, abused and assaulted the defacto complainant and her daughter; that further damaged the household articles worth about Rs.1,40,000/- and also threatened her of dire consequences. Hence, this case.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by the prosecution. He also submitted that the petitioners, to show their bonafide, without prejudice to their defense and contention, are ready and willing to deposit a sum of Rs.2,00,000/- to the credit of crime number before the Court concerned; and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that on account of family dispute, the petitioners trespassed into the house where the defacto complainant is staying and damaged the household articles, doors and windows; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the learned counsels on either side and since custodial interrogation of the



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petitioners is not required for the purpose of investigation and also the voluntary submission made by the learned counsel appearing for the petitioners in respect of depositing a sum of Rs.2,00,000/- to the credit of crime number, 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 made ready, before **the learned Judicial Magistrate No.II, Ponneri** on condition that the petitioners 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 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 petitioners shall jointly deposit a sum of



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Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.309 of 2025 before the learned Magistrate concerned and on such deposit, the learned Magistrate concerned shall re-deposit the same to any of the Nationalized bank under interest bearing scheme and disburse the same, at the time of completion of the trial or if any settlement arrived between the parties;

[c] the third and fourth petitioners shall report before the respondent police as and when required for interrogation. As far as the first and second petitioners are concerned, they shall report before the respondent police everyday at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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



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N. SENTHILKUMAR, J.

stn/ nsl

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

[g] If the accused thereafter abscond, a fresh FIR
can be registered under Section 269 of B.N.S.

22.05.2025

stn/ nsl

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 official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate No.II, Ponneri.
2. The Inspector of Police,
Sholavaram Police Station,
Avadi District. (Crime No.309 of 2025).
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.15802 of 2025