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Crl.O.P.No.17386 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17386 of 2025

1. Dawood Basha

2. Aman Basha

3. Shainash

... Petitioners

Vs.

The State Rep. by,
Sub Inspector of Police,
All Women Police Station,
Thousand Lights,
Chennai.

Crime No.2 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of his arrest in connection with Crime No. 2 of 2025 on the file of respondent Police.

For Petitioners : M/s.R.C.Paul Kanagaraj

for Mr.B.Gopalakrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

Mr.J.Samiullah for Intervenor



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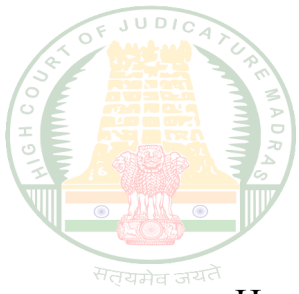
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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85 and 61(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.2 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and one Sultan was solemnized on 19.05.2022. Subsequently, the petitioners who are the in-laws who are A2 to A4 and the husband of the defacto complainant (A1) have demanded dowry, for which they harassed the defacto complainant. Thereafter, the defacto complainant was assaulted by the accused persons and was evicted from her matrimonial house. Thereby, the defacto complainant's husband and their family members have vacated the premises and the defacto complainant is not aware of their whereabouts. Since they had swindled the sreedhana articles given during their marriage and harassed the defacto complainant seeking dowry, the present case has been filed.

3. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they have been falsely implicated in this



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case. He further submitted that the petitioners is are ready to abide by any stringent condition that may be imposed by this Court. Hence, He prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted e-filing has been done and the investigation has been completed and charge sheet has also been filed. Therefore, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor strongly opposed for grant of anticipatory bail to the mother-in-law of the defacto complainant. It is submitted that she had installed a camera in the bathroom and further abused, harassed and subjected the defacto complainant to cruelty. The husband of the defacto complainant (A1) is residing in abroad and is not taking any care of her. It is further submitted that the petitioners herein are abetting A1 in committing acts of cruelty against the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.



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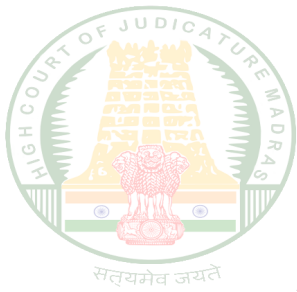
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7. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 **Additional Mahila Court, Egmore** 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] if the petitioners 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 Surety ship [Judicial



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Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

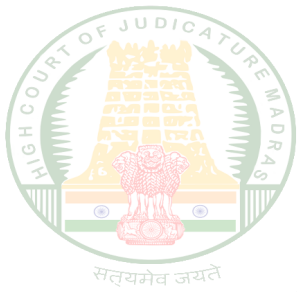
[c] the petitioners shall report before the respondent Police for a period of three weeks and thereafter as and when required for interrogation;

[d] the petitioners shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

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

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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)13



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SCC 283];

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

25.07.2025

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To

1. The Additional Mahila Court, Egmore
2. The Sub Inspector of Police,
All Women Police Station,
Thousand Lights,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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