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CRL OP No. 18899 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18899 of 2025

Abdul Rahman
S/o.Abdul Pakki,
No.4/76, Middle Street, SP Pattinam,
Ramanathapuram District,
Now at No.13, South Mada Street,
Koyambedu, Chennai - 600 107.

Petitioner(s)

Vs

The State Rep. By
The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai.
(Crime No.339 of 2025)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner pending
investigation in Crime.No.339 of 2025 on the file of the respondent police.



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For Petitioner : Mr.J.Ganapathi
For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.05.2025, for the offence punishable under Sections 332(b), 296(b), 109 of BNS Act in Crime No.339 of 2025, registered on the file of the respondent, seeks bail.

2. This Court on 03.07.2025 passed the following order:

“The case of the prosecution is that there is a matrimonial dispute between the petitioner and his wife, due to which, petitioner's wife left the matrimonial house and living separately with her mother and brother along with her children. When the petitioner went to visit the children, he was restrained and therefore, there was scuffle between the petitioner and his in-laws, due to which, petitioner assaulted the victim using knife.

2. The learned Government Advocate (Crl.Side) submitted that the petitioner deserted his wife and living separately and for two years, he had not bothered to pay any maintenance to the defacto complainant and she was taken care by her mother and brother. He further submitted that the petitioner had earlier twice entered the defacto complainant's house and assaulted and this is the third occasion, he was armed with knife and assaulted his mother-in-law with knife, due to which, she sustained injuries.



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3. In reply, the learned counsel appearing for the petitioner submitted that the petitioner is ready to file an undertaking affidavit that he would not interfere in the life of the defacto complainant and cause disturbance to her family members and the petitioner shall work out his remedy before the family Court or before the appropriate forum.

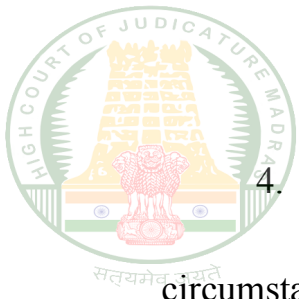
4. Post on 04.07.2025."

3. Pursuant to the order of this Court dated 03.07.2025, the petitioner has filed the undertaking affidavit. The relevant portion of the undertaking affidavit is extracted hereunder:

"3. The defacto complainant is my mother-in-law and I got married with her daughter last 8 years ago. Due to misunderstanding and family dispute we got separated for the past 2 years. And I am having two sons. At the time of visiting my sons the defacto complainant didn't allow me to visit my children.

4. I further submit that my native place is in Ramanathapuram District. After getting bail I will stay at my permanent residence only. Also, I request that I will not engage in any illegal activity and I will not enter into a defacto complainant premises and I assure that I won't disturb the defacto complainant family and my sons.

5. I further submit that, as per lordship directions I will file Guardian OP petition for child visitation rights. Hereafter, I will settle this matrimonial dispute legally by approaching appropriate courts. Also, I assure you that I will strictly follow all the legal conditions mentioned by this Hon'ble Court."



4. In view of the above undertaking and considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

5. 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 **Judicial Magistrate, Poonamallee** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial 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;

[b] **the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation.**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] the petitioner 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;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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 of Kerala** [(2005)13 SCC 283];

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

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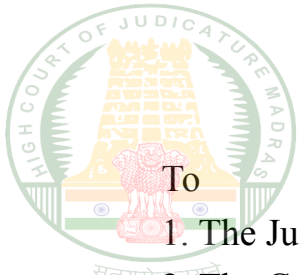
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate, Poonamallee.
2. The Central Prison, Puzhal-II.
3. The Public Prosecutor,
High Court of Madras.
4. The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai.



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M.NIRMAL KUMAR J.

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