



Crl.O.P.No.23949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.23949 of 2025

Nithishkumar

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
W29 – All Women Police Station,
Avadi, Chennai – 54.
Crime No.22 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.22 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.M.Venkatakrisnan
For Intervener : Mr.Leovalan
For Respondent : Mr.S.Udayakumar,
Government Advocate (Criminal Side)

ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.22 of 2025, on the file of the respondent Police,



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seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner married the de facto complainant in the year 2024, and subsequently, there arose a matrimonial dispute between them. It is alleged that the de facto complainant was initially unable to conceive and, despite undergoing treatment and conceiving later, she suffered a miscarriage, which further strained the relationship between the parties. It is further alleged that the petitioner thereafter demanded 20 sovereigns of gold and a sum of Rs.50,000/-. Unable to bear the harassment, the de facto complainant attempted to commit suicide. Hence, the present complaint has been lodged.

3. The learned counsel appearing for the petitioner submitted that the complaint has been falsely lodged only due to matrimonial dispute between the parties, and that no such harassment, as alleged, had taken place. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent police opposed the grant of anticipatory bail and reiterating the prosecution case. He submitted that the petitioner has been continuously harassing the de facto complainant and that the investigation in this case is pending.

5. I have carefully perused the materials available on record, including the FIR. Considering the fact that the allegations arise out of a matrimonial dispute and that custodial interrogation of the petitioner is not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Poonamallee**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the



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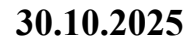
concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] 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;

[d] 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]**;

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



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