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CrI.O.P.No.3491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.3491 of 2025

1. Jayanthi, F/44 years,
2. Sakthivel, M/44 years.

... Petitioners/Accused 1 & 2

Vs.

1. State Rep. by,
The Inspector of Police,
PCR Cell Police Station,
Puducherry.

... Complainant/Respondent

2. Santhalakshmi,
W/o.Vadivel,
D.No.24, East Street,
Manalipet,
Puducherry.

...Defacto Complainant/Respondent

Prayer: Criminal Original Petition filed under Section 482 of *Bharatiya Nagarik Suraksha Sanhita*, 2023, pleaded to enlarge the petitioners on bail in the event of his arrest in Crime No.3 of 2024 on the file of the 1st respondent on such terms and conditions as this Hon'ble Court.

For Petitioners : Mr.A.Tamilarasan
For Respondents : Mr.K.S.Mohan Dass
Public Prosecutor, (Pondy)
: Mr.D.Nagasaila, for R2



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police, for the alleged offences punishable under Sections 296 read with 3(5) of BNS, 2023 and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989) (Amended Act, 2015) in Crime No.03 of 2024 on the file of the 1st respondent police, seek anticipatory bail.

2. The said crime was registered by the respondent police based on a complaint lodged by one Santhalakshmi, wife of Vadivel. The petitioners are the parents of the said Vadivel.

3. The sum and substance of the complaint is that the defacto complainant and Vadivel were in love and got married, it was an inter-caste marriage. It is alleged that the petitioners, being the brothers and sister of the defacto complainant, were unhappy about the marriage and had abused her using her caste name and picked up quarrel with her.



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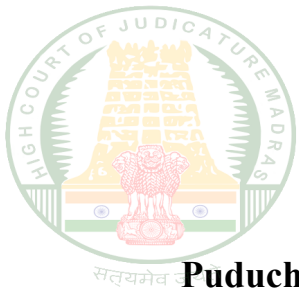
4. This Court, taking into consideration that the dispute is between family members and could possibly be resolved through Mediation.

5. However, the learned Government Advocate (Crl.Side) appearing for the respondent has reported that the dispute could not be amicably settled.

6. Be that as it may, the contents of the complaint do not warrant the arrest of the petitioners. Even though the complaint invokes provisions of the SC/ST Act, the defacto complainant has been duly put on notice and her views have been heard both by this Court and the Mediator.

7. Considering the submissions made by the Learned Counsel appearing on either sides, 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 their arrest or on their appearance, **on or before 28.08.2025 before the learned II Additional District and Sessions Judge,**



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Puducherry, on condition that **each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)** with two sureties, each for a likesum 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:

(a) If the petitioners fail to surrender before the concerned Magistrate on or before 28.08.2025, 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 identify proofs to ensure their identity;

(c)The petitioners shall report before the respondent police as and when required for interrogation;

(d)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the



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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 v. State of Kerala [(2005) AIR SCW 5560]***;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

18.08.2025

bsm

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 II Additional District and Sessions Judge, Puducherry.
2. The Inspector of Police, PCR Cell Police Station, Puducherry.
3. The Public Prosecutor, High Court of Madras.



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Dr.G.JAYACHANDRAN, J.
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