



CRL OP NO. 26359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR
CRL OP NO. 26359 of 2025

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Bharathi @ Bharathi Rajan

...Petitioner/A4

Vs

State Rep by its,
The Inspector of Police
All Women Police Station,
Sooramangalam
Salem Cityi.

Crime No. 24 of 2025.

....Respondent(s)

Criminal Original Petition filed under Section 482 of BNSS, Act, 2023 praying to enlarge the petitioners in the event of his arrest by the respondent police in pursuant to the FIR in Crime No. 24 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.Vishnu P.

For Respondent(s): Mr.S.Udayakumar

Government Advocate [Criminal Side]

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A, 294(b), of IPC & 351(2) of BNS, 2023 in Crime No.24 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The allegation against the petitioner is that the marriage was solemnized between the first petitioner and the de-facto complainant. Later, there was some difference of opinion between them, they got separated. Further, the petitioner herein and the in-laws of the de-facto complainant demanded more dowry from the de-facto complainant. Hence the respondent police registered a case against the petitioner and others.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that he has not committed any offence as alleged by the prosecution. The 1st petitioner/husband had already initiated divorce proceedings against the de-facto complainant and the same is pending before the Trial Court. He also submits that the petitioner herein is a brother-in-law of the de-facto complainant and the dispute arose only between the 1st petitioner and the de facto complainant. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that there is no previous case pending against the petitioners herein. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by learned counsels on either side and the matrimonial dispute arose only between the 1st petitioner and the de-facto complainant and the petitioner is the brother-in-law of the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Additional Mahila Court, Salem** on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with two **sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen 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 until further orders 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 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 269 of B.N.S.

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MSM

To

1. Additional Mahila Court, Salem.

2. The Inspector of Police,

All Women Police Station,

Sooramangalam

Salem City.

Crime No. 24 of 2025.

3. The Public Prosecutor, High Court of Madras.



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K.RAJASEKAR, J.

MSM

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