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CRL OP No. 32507 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 32507 of 2025

M.Mohanraj

Petitioner(s)

Vs

The Sub Inspector of Police
All Women Police Station,
Tiruvannamalai.
Crime No.53 of 2025.

Respondent(s)

PRAYER Criminal Original Petition is filed under Section 528 of B.N.S.S, to call for the records relating to the 1st condition imposed in the Anticipatory Bail order in C.M.P.No.2468 of 2025 dated 26.09.2025 passed by the learned Principal District and Sessions Judge, Tiruvannamalai and set aside the same.

For Petitioner(s): Mr. K.Narayanan
For Respondent(s): Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash Condition No.1 imposed in CMP No.2468 of 2025 vide order dated 26.09.2025.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.53 of 2025 registered by the respondent police for the



offences under Sections 296 (b), 85 and 351 (3) of BNSS, on the complaint given by his wife. The petitioner had approached the Principal District and Sessions Judge, Tiruvannamalai and filed an application for Anticipatory Bail in CMP No.2468 of 2025, wherein, the learned Judge, while granting bail to the petitioner on 26.09.2025, has imposed a condition, directing him to pay a sum of Rs.15,000/- every month within 10th of English calendar month to the wife / de facto complainant. He further submitted that the Hon'ble Apex Court, in ***Srikant Kumar @ Shrikant Kumar Vs. the State of Bihar & Anr.*** reported in ***2025 SCC Online SC 2215***, has held that the Courts, while granting bail, can impose such bail condition which would ensure that the appellant does not flee from justice and is available to face trial and imposing conditions which are irrelevant for the exercise of power under Section 438 of Cr.P.C., may not be warranted. He further submitted that the condition directing the petitioner to pay Rs.15,000/- per month is irrelevant and hence warrants interference by this Court and sought setting aside of the same.

3. The learned counsel for the petitioner further submitted that matrimonial disputes are pending between the parties and the petitioner has filed HMOP No.197 of 2025 seeking divorce before the Family Court, Tiruvannamalai.



4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

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5. In the judgement in **Srikant Kumar @ Shrikant Kumar** (*supra*), the Hon'ble Apex Court had held thus:

“9. When application for bail is filed, the Court is required to impose such bail conditions which would ensure that the appellant does not flee from justice and is available to face trial. Imposing conditions which are irrelevant for exercise of power under Section 438 of the CrPC would not therefore be warranted.

10. On this, Ms. Fauzia Shakil, learned counsel has relied upon *Munish Bhasin and Others vs. State (Government of NCT of Delhi) and Another*, reported in (2009) 4 SCC 45.

11. Having considered the above, we are of the view that the bail condition imposed by the High Court directing the appellant to pay Rupees Four Thousand per month as maintenance to the informant (respondent no.2) was not merited. The same is accordingly set aside and quashed. However, appellant is bound to remain available and face the trial as required by law. The learned Trial Court should therefore impose appropriate bail condition(s) to facilitate the appellant to remain on bail, while availing bail under the impugned order dated 17.07.2023.”

(emphasis supplied)



6. From the aforesaid decision, it is seen that imposed a condition in an Anticipatory Bail to deposit a sum of Rs.15,000/- p.m., to the wife is irrelevant and erroneous. Hence, Condition No.1 imposed while granting Anticipatory Bail on 26.09.2025 in C.M.P.No.2468 of 2025, is set aside. Except condition no.1, all other conditions imposed in the impugned order shall remain unaltered.

7. Accordingly, this Criminal Original Petition stands allowed.

28-11-2025

vum

Index: Yes/No

Speaking/Non-speaking order

To

1. The Sub Inspector of Police
All Women Police Station,
Tiruvannamalai. Crime No.53 of 2025.

2. The Public Prosecutor,
Madras High Court, Chennai.



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vum

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