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Crl.O.P.No.2890



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.10.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.28900 of 2025

Ilangovan

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
A.W.P.S Gudiyatham Police Station,
Vellore District,
Tamil Nadu.
(Crime No.67 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.67 of 2025 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 06.10.2025, for the alleged offence punishable under Sections 296(b), 115(2), 351(2), 75(1)(ii), 85 of BNS r/w. 4 of Tamil Nadu Prohibition of Harassment of Woman Act (under sections 294(b), 323, 324, 506(i), 354, 498(A) of IPC) in Crime No.67 of 2025, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that he is the husband of the defacto complainant and married her in the year 2017 and subsequently there was a matrimonial dispute taken place between the family members and it is also alleged that father in law had attempted to misbehave with the victim. Hence the complaint was lodged in the year 2021 itself. There were enquiries in this regard. Subsequently, matrimonial proceedings had taken place; while the same was pending before the Sub Court, Gudiyatham, the case filed by the petitioner was dismissed by default. While being so, on 06.10.2025, the defacto complainant and her mother and uncle attempted to take the articles from the house of the petitioner herein, which was objected by the petitioner and he threatened her that if she is willing to cohabit with his father, she can continue the matrimonial life and also attacked her. Hence the complaint has been lodged.



3. Learned counsel appearing for the petitioner submitted that the majority of the allegation levelled in the FIR was taken place prior to 2021 and in this regard, there were two complaints lodged by the defacto complainant and matrimonial dispute for divorce was also pending and subsequently it was dismissed. He further submitted that on the date of occurrence, the defacto complainant only visited the house of the petitioner and quarrelled and thereafter, a false complaint has been lodged against him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police reported that the FIR was registered only recently and the investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

5. Considering the submissions made on either side and on perusal of the FIR, it reveals that the majority of the allegation levelled against the petitioner herein was taken place prior to 2021; in this regard, already matrimonial proceedings initiated between the parties. Further it is also alleged that when the defacto complainant visited the petitioner, the present occurrence had taken place, I am of the view that custodial interrogation in this case is not necessary, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)**



with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate, Gudiyatham*, and on further conditions that:-

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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];



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

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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 Judicial Magistrate, Gudiyatham
- 2.The Inspector of Police,
A.W.P.S Gudiyatham Police Station,
Vellore District,
Tamil Nadu.
- 3.The Superintendent of Police,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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