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CrI.O.P.No.2958



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.10.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

CrI.O.P.No.29586 of 2025

Suresh Kumar

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
W-14, AWPS,
Thiruvottiyur Police Station.
(Crime No.27 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.27 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.Yash Rath

For Respondent : Mr.S.Udayakumar,
Government Advocate (CrI. Side)

For Intervenor : Mr.R.Saravanan

**ORDER**

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The petitioner, who apprehends arrest for the alleged offence punishable under Section 498(A) of IPC in Crime No.27 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against this petitioner is that he is the husband of the defacto complainant and after the marriage, their relationship becomes strained and this petitioner demanded money for the sum of Rs.7,50,000/- and also started attacking her. Hence this case.

3. The learned counsel appearing for petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that in the year 2024 itself the defacto complainant has initiated matrimonial proceedings and originally the petitioner herein has filed divorce petition in H.M.O.P.No.4694 of 2024 on the file of III Additional Family Court, Chennai. The defacto complainant has also filed separate petition for Restitution of Conjugal Rights in H.M.O.P.No.1355 of 2025 on the file of III Additional Family Court, Chennai. Apart from that the defacto complainant also initiated the proceedings under the Protection of Women from Domestic Violence Act and also for Child Custody. While all these proceedings were pending, this complaint has been lodged only



to harass this petitioner. Hence, he prays for grant of anticipatory bail.

4. The learned counsel for the Intervenor submitted that the defacto complainant suffered huge mental agony harassment and she has come forward with the complaint and she has also narrated the various occurrence including the sexual assault.

5. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the marriage taken place in the year 2020 due to matrimonial dispute the allegation of harassment and complaint only registered recently, investigation is pending. However, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the fact that the matrimonial disputes were already reached in the Family Court and both were contesting the same, I am of the view that the custodial interrogation is not necessary, and 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 (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Tiruvottiyur Court*, 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 respondent police or the police officer



who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 the period of two weeks and thereafter as and when requires for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]*; and;



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(f) if the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of 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, Tiruvottiyur Court.
- 2.The Inspector of Police,
W-14, AWPS,
Thiruvottiyur Police Station.
- 3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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