



CRL OP(MD). No.1690 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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and

CRL MP(MD) No.3395 of 2025

1.Parvathi
2.Arumuga Nainar
3.Subramanian @ Balasubramanian
4.Sornam
5.Meena @ Meenakshi

... Petitioners/ Accused Nos.2, 4, 5, 7 & 8

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thiruthangal Police Station,
Virudhunagar.
Cr. No.53 of 2025.

... Respondent/ Complainant

For Petitioners : Mr.C.Susikumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For Intervenor : Mr.D.Venkatesh

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2025 on the file of the respondent-Police.



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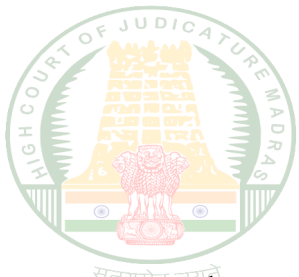
ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioners on 27.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused 2, 4, 5, 7 & 8 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 85, 82(1), 316(2), 351(2) and 49 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.53 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the marriage between the defacto complainant and A1 was solemnized on 05.07.2012 and they have two children. The defacto complainant, later, discovered that A1 had relationship outside of marriage with one XX/A3. Despite her objections, the issue persisted further. A1 demanded additional dowry of 100 sovereigns gold and cash for a sum of Rs.20,00,000/- from the defacto complainant in order to leave A3 and live with the defacto complainant. When the defacto complainant informed the said fact to her husband's family members i.e., A2 and A4 to A8, who are the mother-in-law, husband's maternal uncle, husband's brother-in-law and her sisters-in-law, respectively, they also pressured her to fulfill the demand made by A1/husband. On 08.12.2024, at about 8.30 p.m., when the defacto complainant was in her parents house, her husband

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again demanded dowry and threatened her with dire consequences. Hence, this case.

4. Mr.C.Susikumar, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that due to the family dispute, the petitioners have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioners and other accused persons demanded additional dowry of 100 sovereigns gold and cash for a sum of Rs.20,00,000/- from the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and her children. Hence, he strongly opposed to grant pre-arrest bail to the petitioners.

6. Heard on both sides. This Court has perused the records.

7. The defacto complainant and the petitioners are relatives. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and considering the facts and



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circumstances of the case, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate II, Sivakasi, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate II, Sivakasi;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate II, Sivakasi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate II, Sivakasi;

(iv) Thereafter, the petitioners shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m., until further orders;



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(v) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(vi) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vii) The petitioners shall not leave India without previous permission of the Court;

(viii) The petitioners shall not enter into the house and work place of the defacto complainant;

(ix) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Sivakasi, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, connected miscellaneous petition is closed.

sd/-
18.03.2025

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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1. The Judicial Magistrate II, Sivakasi.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District.
3. The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH,
Advocate (SR-3159[F] dated 20/03/2025)

ORDER
IN
CRL OP(MD) No.1690 of 2025
Date : 18/03/2025

SL(02.04.2025)/ 6P/ 6C

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