



CRL OP(MD). No.2544 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2544 of 2025

Mohamed Ismail

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Fort AWPS,
Trichy City.
Crime No.14 of 2024

... Respondent/ Complainant

For Petitioner : Ms.K.Pandi Priya

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)

For Intervener : Mr.R.Senthil Kumar

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.14 of 2024 on the file of the respondent-police.



CRL OP(MD). No.2544 of 2025

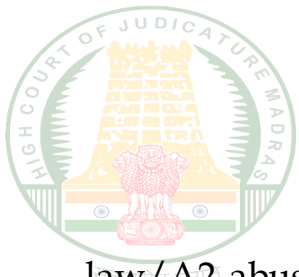
ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 498(A) of the Indian Penal Code, 1860 in Crime No.14 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant married one Santhanam on 01.07.2009. Out of the wedlock, she begot a male child namely, Aravindan. The said Santhanam died on 17.03.2019. When the defacto complainant was working in Trichy, one Muhamed Ismail/A1, along with his family members came to the house of defacto complainant and get consent from the defacto complainant's family members for marriage, due to which the defacto complainant and her son converted from Hindu to Muslim and the name of her son was changed as Muhamed Habib. Thereafter, the defacto complainant and the said Muhammed Ismail/A1 got married on 16.09.2020. After 1 ½ years of marriage, her mother-in-



CRL OP(MD). No.2544 of 2025

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law/A2 abused her and asked her husband/A1 as to why he got married a Hindu girl. Due to the instigation of the defacto complainant, they registered their marriage on 19.01.2021. Thereafter, her mother-in-law continuously abused her and refused to give food to her. Thereafter, they shifted to Palakarai at Trichy. A1 and A2 also abused and harassed the first son of the defacto complainant. On 28.09.2022, she begot her second son, namely, Habis. Thereafter, A1 left her, due to which on 29.01.2023, she lodged a complaint in Palakarai Police Station and the police found him and advised him not to leave the defacto complainant. However, on 06.04.2023, A1 left the house of defacto complainant with 30 sovereigns of gold, Rs.15,00,000/- and her two wheeler. On 17.04.2023, A1 appeared before the Fort AWPS Police Station and stated that he has not interested to live with the defacto complainant and accepted to give a sum of Rs.15,000/- p.m. to the defacto complainant as maintenance. However, A1 did not give any amount to the defacto complainant and left her. Now, A1 is trying to go abroad. Hence, this case.

4. Ms.K.Pandi Priya, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. She further submits that the petitioner has been falsely implicated in this case. She further submits that the petitioner is ready to



CRL OP(MD). No.2544 of 2025

abide by any conditions that may be imposed by this Court. Hence, she prays for
grant of pre-arrest bail to the petitioner.

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5. Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, on instructions, submits that the petitioner got married with the defacto complainant, and that he left her with two children without giving any maintenance. He further submits that if pre-arrest bail is granted to the petitioner, he may abscond and cause threat to the defacto complainant and her children. Hence, he prays to dismiss this Criminal Original Petition.

6. Mr.R.Senthil Kumar, the learned counsel for the defacto complainant/Intervener submits that believing the words of the petitioner, she married the petitioner and converted from Hindu to Muslim. However, the petitioner left her with 30 sovereigns of gold, Rs.15,00,000/- and her two-wheeler and refused to pay a sum of Rs.15,000/- as maintenance as accepted before the Fort AWPS Police Station. He further submits that if pre-arrest bail is granted to the petitioner, he may abscond and cause threat to the defacto complainant and her children. Hence, he prays to dismiss this Criminal Original Petition.



CRL OP(MD). No.2544 of 2025

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7. Heard on both sides. This Court has perused the records, the First Information Report and CD file.

8. In view of the averments made in the petition as well as the FIR, there are sufficient materials available on record to show that the petitioner has committed the offence. In view of the nature of the offence allegedly committed by the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is necessary to unearth the truth. Further, this Court is of the opinion that if pre-arrest bail is granted to the petitioner, he may abscond. Hence, this Court is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, this Criminal Original Petition is dismissed.

sd/-
24/03/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.2544 of 2025

TO
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1.The Inspector of Police,
Fort AWPS,
Trichy City.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S. R. SENTHIL KUMAR, Advocate SR.No.3442 DATED: 26/03/2025

ORDER
IN

CRL OP(MD) No.2544 of 2025

Date :24/03/2025

VN/05.05 .2025 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023