



CRL OP (MD) No.4996 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. K.Kandhasamy

2. K.Selvaraj

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul, Dindigul District.
Crime No.13/2024

... Respondent/ Complainant

For petitioners : Mr.G.Karuppasamy Pandian, Advocate
for R.Rajaselvan, Advocate

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

For intervener : Mr.Thirupathi Chellasamy

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

For Bail in Crime No.13 of 2024 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 17.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/A1 and A2 were arrested and remanded to judicial custody on 20.02.2025 for the alleged offences punishable under Sections 498(A), 354(A), 506 (i), 313, 376(2)(f) & 109 of Indian Penal Code, 1860, in Crime No.13 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the second petitioner and the defacto complainant are husband and wife. Out of their wedlock, two female children were born. The first petitioner, who is the father-in-law of the defacto complainant, had frequently misbehaved with the defacto complainant. When the same was informed to the other accused persons, including the second petitioner, they did not consider it. Instead, they had been torturing the defacto complainant by demanding more dowry and compelling her to abort her pregnancy seven times. Therefore, the defacto complainant filed a private complaint. Based on the direction of the learned Judicial Magistrate, Vendasandur, the respondent-police registered a case against the accused persons.

4. Mr.G.Karuppasamy Pandian, learned counsel appearing for the petitioners,

<https://www.mhc.tn.gov.in/judis>



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submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. He further submits that petitioners were arrested and have been in judicial custody since 20.02.2025, i.e., for more than 30 days. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.Thiruppathi Chellasamy, learned counsel for the intervener, appears through Video Conferencing and submits that the Investigation Agency has not investigated the matter in a fair manner. Therefore, in these circumstances, if the petitioners are enlarged on bail, they will cause threat to the defacto complainant and her family members. He therefore prays for dismissal of this petition.

6. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the investigation of the case is pending, and therefore, at this stage, if the petitioners are enlarged on bail, they may abscond and delay the trial. Accordingly, he strongly opposes to grant bail to the petitioner.

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

8. In view of the offence allegedly committed by the petitioners and the fact that the petitioners have been in judicial custody for more than 30 days, this Court is of the opinion that further custody of the petitioners is not necessary for the



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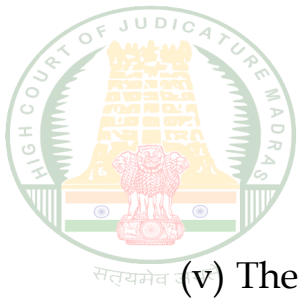
Investigation Agency in this case. Considering the same, and also considering the facts that the first petitioner is aged about 71 years and that the petitioners have permanent residence and deep roots in society, and therefore, there is less possibility of absconding, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Vendasandur, Dindigul District.

(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, Vendasandur, Dindigul District 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, Vendasandur, Dindigul District;

(iv) The petitioners shall appear and sign before the respondent – police daily at 10.00 am until further orders;



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(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) 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 their from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and her family members;

(ix) The petitioners shall not enter into the house of the defacto complainant or her work place and shall also not try to contact her directly or through electronic mode: and

(x) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Vendasandur, Dindigul District is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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26/03/2025
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE,
VEDASANDUR,
DINDIGUL DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.

3 THE OFFICER INCHARGE,
DINDIGUL DISTRICT JAIL,
DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE,
VADAMADURAI ALL WOMEN POLICE STATION,
DINDIGUL,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.RAJASELVAN, Advocate (SR-3443[I] dated 26/03/2025)



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ORDER

IN

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Date :26/03/2025

RS/IT/SAR-(26.03.2025) 7P 7C

Madurai Bench of Madras High Court is issuing
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