



CRL OP(MD). No.5349 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.5349 of 2025

1.Syed Alawdin Khan
2.Syed Nabila Banu.

... Petitioners/ Accused Nos.1 & 4

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
AWPS Palayamkottai,
Tirunelveli City.
Crime No.51 of 2024

... Respondent/Complainant

For Petitioners : Mr.P.Rajesh

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.51 of 2024 on the file of the respondent-police.



CRL OP(MD). No.5349 of 2025

ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 20.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.1 and 4 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 498(A) and 294(b) of IPC in Crime No.51 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that the marriage between the defacto complainant and A1 was solemnised on 19.04.2020 as per the Islamic custom. After marriage, A1 went to abroad for work and the defacto complainant was with her husband's family members/A2 to A4. At that time, A2 to A4, in order to create bad impression about the defacto complainant, gave misinformation to A1. A2 to A4 had been continuously harassing the defacto complainant. On 14.04.2021, the defacto complainant begot a male child and due to the health condition of the child, she had to go to Kerala for taking treatment. While the defacto complainant informed the same to A1 and his family members/A2 to A4, they refused to give money for treatment. However, after treatment of the child with the help of her parents, she returned to her parents house. After A1 returned to India, A2 to A4 insisted A1 to leave the defacto complainant. Then, when they decided to do 'Sunnath' to the child,



CRL OP(MD). No.5349 of 2025

the same was refused by the defacto complainant due to the health condition of the child, due to which on 18.09.2022, A1, A3 and A4 abused her with filthy language. In spite of their restriction, the defacto complainant got doctor opinion regarding 'Sunnath'. Based on the doctor's advice, she did not allow to do 'Sunnath'. After the said incident, A1 separated the defacto complainant and her son. A1, along with other accused persons, harassed the defacto complainant and separated her and her son. Hence, the case.

4. Mr.P.Rajesh, the learned counsel appearing for the petitioners, submits that the petitioners and the defacto complainant are close relatives. He further submits that the petitioners are innocent persons and that 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 A2 and A3 were already granted pre-arrest bail. 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.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that due to the family dispute, the case has been registered. He further submits that if pre-arrest bail is granted, the petitioners may cause threat to the defacto complainant and her family members.



CRL OP(MD). No.5349 of 2025

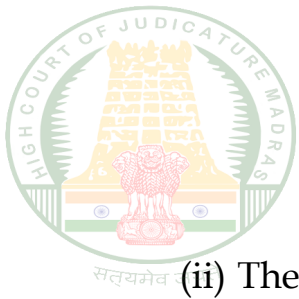
Hence, he prays to dismiss this Criminal Original Petition.

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6. Heard on both sides. This Court has perused the records and First Information Report.

7. The petitioners are, none other than, the husband and sister-in-law of the defacto complainant, respectively. Due to family dispute, the case has been registered. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. A2 and A3 were already granted pre-arrest bail. Therefore, this Court is of the view that the custodial interrogation of the petitioners is not necessary for the Investigating Agency. Considering the said facts, 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 No.V, Tirunelveli, 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 No.V, Tirunelveli;



CRL OP(MD). No.5349 of 2025

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(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 No.V, Tirunelveli 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 No.V, Tirunelveli;

(iv) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(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, 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 No.V, Tirunelveli, or Trial Court as the case may be, is entitled to pass



CRL OP(MD). No.5349 of 2025

appropriate orders against the petitioners in accordance with law as if the
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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].

8. Accordingly, this Criminal Original Petition is allowed subject to the
conditions stated supra.

sd/-
24/03/2025

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

apd
TO
1.The Judicial Magistrate No.V, Tirunelveli.
2.Do- through the Chief Judicial Magistrate,
Tirunelveli.
3.The Inspector of Police,
AWPS Palayamkottai,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5349 of 2025
Date :24/03/2025

MK/SAR /15.04.2025 6P/5C

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