



CRL.OP(MD). No.5534 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5534 of 2025

Praveen

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
All Women Police Station,  
Melur,  
Madurai District.  
(Crime No.33 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the  
petitioner in Crime No.33 of 2024 on the file of the respondent-police.

For Petitioner : Mr.C.Bharathi,  
Advocate

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

For Intervener : Mr.P.Chellapandi,  
Advocate



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 85, 296, 351(2) of BNS, 2023 and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.33 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 25.10.2024, at around 17:45 hrs, the defacto complainant, filed a complaint before the respondent-police stating that the petitioner is her husband. Their marriage took place on 09.06.2024, during which 25 sovereigns of gold ornaments were given to the defacto complainant, 8 sovereigns of gold ornaments were given to the petitioner, and Sridhana articles worth approximately Rs.3 lakhs were provided by the defacto complainant's parents. The defacto complainant and the petitioner went to Kerala for their honeymoon, where, according to the defacto complainant, the petitioner had sexual intercourse with another woman in front of the defacto complainant while being in a drunken state. The petitioner came home daily in a drunken state and assaulted the defacto complainant. The petitioner and the other accused reportedly harassed the defacto



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complainant by demanding more dowry and subjected her to both mental and physical torture. Hence, the case.

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4. Mr.C.Bharathi, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that the defacto complainant has chosen to file multiple cases one after another with the intent to harass the petitioner and his family members on a daily basis. As a result, the petitioner and his family members have been frequently required to appear before the court and at police stations. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons harassed the defacto complainant by demanding additional dowry and subjected her to both mental and physical torture. He further submits that there are no previous cases against the petitioner. He further contends that if the petitioner is released on pre-arrest bail, he will cause threat to the defacto complainant and tamper with the evidence. Therefore, he prays to dismiss this Criminal Original Petition.



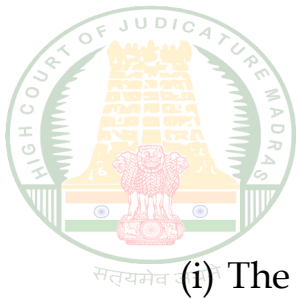
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6. Mr.P.Chellapandi, the learned counsel for the intervener submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and her family members. He, therefore, prays to dismiss this Criminal Original Petition.

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

8. It appears that the marriage between the petitioner and the defacto complainant was solemnized on 09.06.2024. It is noticed that the petitioner has filed H.M.O.P. No. 155 of 2024 before the Family Court, Pudukkottai, under Section 12(1) (c) of the Hindu Marriage Act, seeking a declaration that the marriage solemnized on 09.06.2024 is null and void along with other reliefs. It is further noticed that the defacto complainant has filed D.V.O.P. No. 14 of 2024 before the Judicial Magistrate Court, Melur, which is currently pending. Admittedly, the petitioner and the defacto complainant do not have any issues at present. Considering the same and also considering the fact that there was a matrimonial dispute between the parties and the nature of the offence allegedly committed by the petitioner, and taking note of the fact that there are no previous cases against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:



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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Melur, 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.25,000/- (Rupees Twenty Five Thousand only) 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, Melur.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner 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.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner 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.



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(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner 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].

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

sd/-  
26/03/2025

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



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To

1 THE JUDICIAL MAGISTRATE,  
MELUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
MADURAI DISTRICT,

3.The The Inspector of Police,  
All Women Police Station,  
Melur,  
Madurai District.

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

+1 CC to M/s.D.R.MURUGESAN, Advocate ( SR-3489[I] dated 26/03/2025 )

ORDER  
IN

CRL OP(MD) No.5534 of 2025  
Date :26/03/2025

MK/SAR /17.04.2025 7P/6C

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