



CRL.OP(MD). No.6091 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6091 of 2025

TS Yohesh Babu

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
AWPS-Thirupparankundram,
Madurai City.
(Crime No.1 of 2025)

... 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.1 of 2025 on the file of the respondent-police.

For Petitioner : Mr.P.Suresh,
Advocate

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

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 01.04.2025 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 61(2), 296(b), 115(2), 318(2), 351(3), 85 of BNS, 2023 and Section 4 of TNPHW Act, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant married the 1st accused on 06.02.2022 at Friends Mahal, Madurai. At the time of marriage, the accused claimed that the 1st accused was a B.E. graduate working as an Electro-Technical Officer earning Rs.4.5 lakhs per month and demanded 30 sovereigns of gold as dowry. Despite financial constraints, the defacto complainant's family gave 17½ sovereigns of jewels, silver items worth Rs.50,000/-, and household articles worth Rs.1 lakh. The couple began their matrimonial life at Polichalur, Chennai, along with Accused Nos.2 and 3. Accused Nos. 4 and 5, though residing nearby, were involved in family decisions. The defacto complainant was harassed by Accused Nos. 2 to 5 for her financial background and was treated poorly. The



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accused forced her to undergo IUI treatment, which failed. The 1st accused later distanced himself and contributed minimally to maintenance. Following further coercion, the defacto complainant was forced into IVF treatment, hospitalized, and not visited by any accused. After the treatment failed, she was abused, threatened, and made to sign blank documents under coercion. Her jewels were returned, and she was expelled from the matrimonial home. Despite complaints made to police and higher authorities, no action was taken. A petition under Section 175(3) BNSS was filed, and based on the Judicial Magistrate's direction, the present FIR was registered on 04.01.2025.

4. Mr.P.Suresh, 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 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.



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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons harassed the defacto complainant 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.

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

7. It appears that the marriage between the petitioner and the defacto complainant was solemnized on 06.02.2022. It is noted that the petitioner has instituted H.M.O.P. No. 1390 of 2024 before the Family Court, Madurai, under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, seeking dissolution of the marriage. It is also admitted that all the jewels belonging to the defacto complainant have been returned to her. Considering the above, along with the fact that the petitioner has been regularly paying a sum of Rs.3,000/- per month towards maintenance and the nature of the offence allegedly committed by the petitioner,



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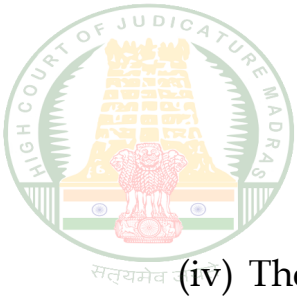
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and taking note of the fact that there are no previous cases against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(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 No.VI, Madurai, 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) 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.VI, Madurai.

(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.



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(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.

(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) The petitioner shall not enter into the defacto complainant's house or her work place and shall also not contact the defacto complainant either directly or through any electronic mode.



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(x) 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/-
17/04/2025

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

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To

1.THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.



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2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
AWPS-THIRUPPARANKUNDRAM,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.6091 of 2025
Date :17/04/2025

VN/09.05 .2025 8P/5C

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