



CRL OP(MD). No.6315 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.M.Anbalagan
2.P.Marimuthu
3.M.Vasammal

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
Crime No.17 of 2025

... Respondent/ Complainant

For Petitioners : Mrs.P.Kalaiyarasi Bharathi

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

For Intervenor : Mr.Joel Paul Antony

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 02.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 498-A and 406 of Indian Penal Code, 1860, in Crime No.17 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that A1 is the husband of the defacto complainant. A2 and A3 are the in-laws of the defacto complainant. After marriage, the defacto complainant came to know that A1 was already married. Further, A1, at the instigation of A2 and A3, demanded more dowry from the defacto complainant. A1 had not returned 3 1/4 sovereigns of jewels received for the purpose of job. Hence, the case.

4. Mrs.P.Kalaiyarasi Bharathi, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the



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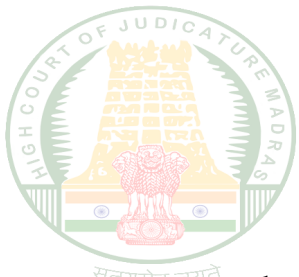
prosecution and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that A1, suppressing the fact that he was already married, married the defacto complainant. He further submits that the petitioners demanded more dowry from the defacto complainant. Therefore, he prays to dismiss this Criminal Original Petition.

6. Mr.Joel Paul Antony, learned counsel for the defacto complainant argued in the line of the learned Government Advocate.

7. Heard on both sides. This Court has perused the records including the First Information Report.

8. In view of the averments made in the First Information Report, this Court is of the view that custodial interrogation of the first petitioner is necessary. Hence, this Court is not inclined to grant pre-arrest bail to the first petitioner. Moreover, if



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pre-arrest
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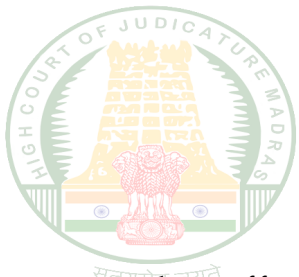
pre-arrest bail is granted to the first petitioner, he may cause threat to the defacto complainant. Hence, this Criminal Original Petition is dismissed *qua* first petitioner.

9. As far as the petitioners 2 and 3 are concerned, they are only the in-laws of the defacto complainant. Considering the overt act of the petitioners 2 and 3, this Court is of the opinion that custodial interrogation of the petitioners 2 and 3 is not required for the investigation agency. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners 2 & 3 subject to the following conditions:

(i) The petitioners 2 & 3 shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Manapparai, 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, Manapparai;

(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 petitioners 2 & 3 shall make themselves available for interrogation by



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a police officer as and when required;

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(iv) The petitioners 2 & 3 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;

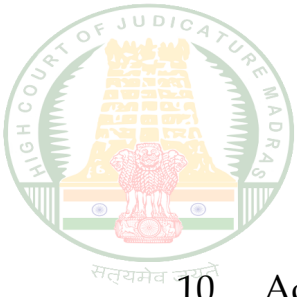
(v) The petitioners 2 & 3 shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners 2 & 3 shall appear and sign before the respondent-Police daily at 09.00 a.m. until further orders;

(vii) The petitioners 2 & 3 shall furnish their residential address and mobile number to the learned Judicial Magistrate, Manapparai;

(viii) The petitioners 2 & 3 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, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners 2 & 3 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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10. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*, *qua* petitioners 2 and 3 and dismissed *qua* first petitioner.

Sd/-

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/05/2025

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, Manapparai;

2 Do Through The Chief Judicial Magistrate, Trichy.

3.The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.

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

+1. CC to P.KALAIYARASI BHARATHI Advocate SR.No.4310 dt 16.04.2025

ORDER

IN

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Date :16/04/2025



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Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.