

CRL OP(MD). No.8957 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.8957 of 2025

1.S.Kesavamurthy,
S/o.Sundaravelu

2.P.Umavathi,
W/o.S.Kesavamurthy

3.Umavathi Kesavamurthy Adhavan,
S/o.S.Kesavamurthy

...Petitioners / Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Theni Town,
Theni District.
(Crime No.27 of 2025)

... Respondent/ Complainant

For Petitioners : Mr.Henri Tiphagne,
Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate
(Criminal Side)



CRL OP(MD). No.8957 of 2025

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

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PRAYER :- For Anticipatory Bail in Crime No.27 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85, 49, 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.27 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the third petitioner are husband and wife, having solemnized their marriage on 28.08.2008, and one daughter was born to them out of the said wedlock. The first and second petitioners are the parents of the third petitioner. At this juncture, it is alleged that the third petitioner, who is a television host, developed an extramarital relationship with certain women and fathered a child with one such woman named Karunavilasini. When this was questioned by the defacto complainant, on 10.10.2024, between 05.00 p.m. and 08.00 p.m., the petitioners are said to have abused the defacto complainant using filthy language, assaulted her, forcibly separated her from her daughter, compelled her to leave the matrimonial home, and threatened her with dire consequences. Hence, the case.

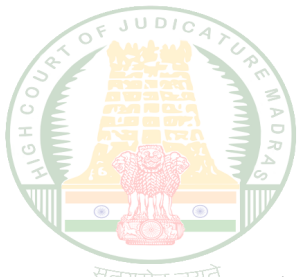


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3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He further submits that the present case arises out of a matrimonial dispute between the parties, and that the third petitioner has filed a divorce petition in O.P. No.977 of 2025 before the II Additional Principal Judge, Family Court, Chennai. He further submits that, owing to the pendency of the said proceedings, the defacto complainant has made false allegations before the respondent police. He further submits that the petitioners appeared before the respondent police and co-operated with the enquiry. He further submits that the petitioners will never abscond and will not tamper the witnesses and also ready to abide by any conditions to be imposed by this Court and hence, he seeks to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the accused persons abused the defacto complainant using filthy language, assaulted her, and drove her out of the matrimonial home. He further submits that the petitioners continuously subjected the defacto complainant to harassment, and that the third petitioner, who is her husband, developed an



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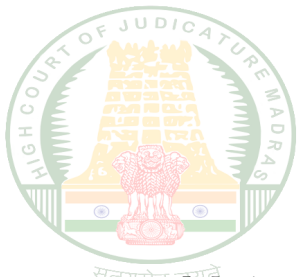
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extramarital relationship with certain women. The learned Government Advocate (Criminal Side), however, submits that the petitioners appeared before the respondent police for enquiry and the investigation in this case is still pending. If anticipatory bail is granted to the petitioners, some stringent condition may be imposed.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the evidences are on the basis of the records and it is a matrimonial dispute and the custodial interrogation of the petitioners is not necessary, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



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[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the Inspector of Police, Ashok Nagar Police Station, Chennai weekly twice i.e., on every Tuesday and Friday at 10.30 a.m. until further orders and shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
22/05/2025

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

PAL
TO

1 THE JUDICIAL MAGISTRATE
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI TOWN,
THENI DISTRICT.

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



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COPY TO:

THE INSPECTOR OF POLICE
ASHOK NAGAR POLICE STATION,
CHENNAI.

ORDER
IN

CRL OP(MD) No.8957 of 2025
Date :22/05/2025

SS/SAR- /28/05/2025/ 7P/6C

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