



CRL OP(MD). No.11849 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 16/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.M.Nagalingam,
S/o.Muthukumar

2.Muthukumar,
S/o.Nagalingam Pillai

3.Bakiyalakshmi,
W/o.Muthukumar

... Petitioners/ A1, A2 & A3

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
(Crime No.5 of 2025)

... Respondent/Complainant

For Petitioners : Mr.S.Palanivelayutham,
Advocate

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



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WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 of IPC r/w. Sections 4 & 6 of Dowry Prohibition Act, 1961 in Crime No.5 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner and the de-facto complainant are husband and wife, while the 2nd and 3rd petitioners are the in-laws of the de-facto complainant. It is alleged that the 1st petitioner, along with the other petitioners, harassed the de-facto complainant by demanding additional dowry and money. Hence, a case has been registered.

3. The learned counsel appearing for the petitioners submitted that this is the second anticipatory bail application filed before this Court. The issue pertains to a matrimonial dispute. He submitted that the petitioners are innocent persons and



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have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. He submitted that prior to the registration of FIR, the 1st petitioner filed a petition seeking restitution of conjugal rights before the learned Family Judge, Nagercoil, Kanyakumari District in H.M.O.P.No.1149 of 2024. He further submitted that the 2nd and the 3rd petitioners are senior citizens. He, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. side) submits that the issue pertains to dowry harassment. The petitioners have been arrayed as A1 to A3 in this case. He further submitted that the petitioners harassed the de-facto complainant seeking dowry, and that the F.I.R. was registered only on the direction given by the learned Judicial Magistrate under Section 156(3) of Cr.P.C. He further submitted that no one sustained any injuries due to the incident. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and also taking note of the fact that the FIR came to be registered on 09.02.2025 only pursuant to the direction of the learned Judicial



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Magistrate, and that by this time most of the investigation might have been completed, and that no one sustained any injuries, and that as the issue pertains to a matrimonial dispute, the custodial interrogation of the petitioners is not necessary in this case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanyakumari District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(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 Aadhar card or Bank pass Book to ensure their identity;



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(b) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanyakumari District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, Kanyakumari District;

(c) the 1st petitioner shall report before the respondent police daily at 10.00 a.m. until further orders, and the 2nd and 3rd petitioners shall report before the respondent police weekly once i.e. on every Monday at 10.00 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 released on bail



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by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble
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Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560] and;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered
under Section 269 of BNS, 2023.

sd/-
16/07/2025

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/08/2025

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

mkn

TO

1.The Judicial Magistrate,
Additional Mahila Court,
Nagercoil, Kanyakumari District.

2.Do Through the Chief Judicial
Magistrate, Kanniyakumari district at Nagercoil.

3.The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.

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

<https://www.mhc.tn.gov.in/judis>



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WEB COPY +1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-7803[I] dated 18/07/2025)

ORDER
IN
CRL OP(MD) No.11849 of 2025
Date :16/07/2025

PR/08.08.2025 7P/6C

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