

Crl.O.P(MD).No.9948 of 2025

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

Date : 18/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl.O.P(MD).No.9948 of 2025

and

Crl.M.P(MD)No.8282 of 2025

1.Nisanth Pradeep Raj
S/o.Late Rajamani

2.Kanagaranjitham
W/o.Late Rajamani

...Petitioners/ Accused

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.30 of 2025)

...Respondent/ Complainant

(Crime number, Sections and Satisfaction Court amended as per order
of this Court, dated 07.08.2025 in Crl.M.P(MD)No.10530 of 2025 in
Crl.O.P(MD)No.9948 of 2025)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the
petitioners on anticipatory bail in the event of their arrest in connection with the case
in Crime No.30 of 2025 on the file of the respondent police.

For Petitioners : Mr.V.Subramanian

For Respondent : Mr.S.Prakash

Government Advocate (Crl.side)



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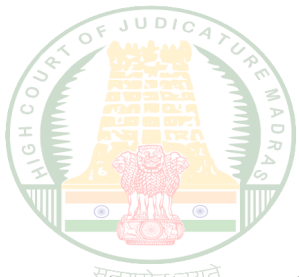
CrI.O.P(MD).No.9948 of 2025

For Intervenor : Mr.M.Jothi Basu
ORDER

The petitioners seek anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offence U/s.498(A), 294(b), 323, 406, 506(i) of IPC and U/s.4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2. The case of the prosecution is that the first petitioner married the defacto complainant on 14.06.2024 at Chennai, after marriage, they shifted their family to Goa, where the petitioners have harassed the defacto complainant physically and mentally by demanding dowry and also abused by filthy language and also threatened with dire consequences. Hence, the case is registered.

3. The learned counsel for the petitioners has submitted that the second petitioner is the mother of the first petitioner and the defacto complainant is the wife of the first petitioner. The first petitioner is a rationalist and follower of the principles of Periyar, opposing dowry and upholding women's liberation. The first petitioner married the defacto complainant and though they initially resided in Trichy, they moved to Goa at the persistent request of defacto complainant. In Goa, the defacto complainant indulged in smoking, consuming alcohol and ganja, in spite of several advices, the defacto complainant did not care about those advices. The first petitioner



CrI.O.P(MD).No.9948 of 2025

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also learnt that the defacto complainant had premarital affair and had undergone abortion. The defacto complainant has also psychological issues and started unnecessary arguments with the petitioners, resulting, she left the matrimonial home in March 2025.

4. The learned counsel further submitted that on due talks held between the parties, the first petitioner and the defacto complainant entered divorce agreement (விவாகரத்து உடன்படிக்கை) on 29.05.2025. Thereupon, the defacto complainant insisted that the first petitioner to pay Rs.7,00,000/- and thereafter, with a vindictive measure, the defacto complainant lodged a complaint before the respondent police and during the police enquiry, they reached a mutual divorce with settlement of Rs.7,50,000/-. Eventhough the first petitioner gave a demand draft for Rs.2 lakhs, the defacto complainant demanded full payment and later the present case was registered.

5. The learned counsel further submitted that the defacto complainant left her 4 sovereign gold chain at the matrimonial home, and the same was returned to defacto complainant, which was acknowledged by way of letter by defacto complainant. There is no dowry harassment or any other incidents. As the petitioners advised the defacto complainant to change her activities and to lead peaceful matrimonial life, the defacto complainant falsely lodged the complaint. The petitioners filed photos and



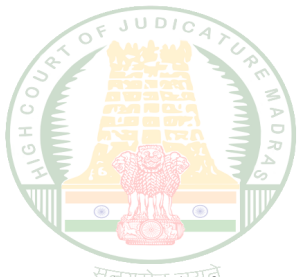
Crl.O.P(MD).No.9948 of 2025

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conversation and WhatsApp chating between the first petitioner and the defacto complainant and there is no such allegation of demanding dowry. The petitioners have not committed any offence as alleged by the prosecution. They are ready to abide any condition imposed by this Court.

6. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the defacto complainant is the wife of the first petitioner. The second petitioner is the mother of the first petitioner. The first petitioner married the defacto complainant by exposing himself as if rationalist and follower of the principles of Periyar, but after marriage, the petitioners started demanding dowry by harassing the defacto complainant and also drove her away from the matrimonial home. Hence, the case is registered.

7. The learned counsel for the intervenor argued that before marriage, the petitioners received Rs.3,00,000/- and after marriage, they received Rs.6,00,000/- from the defacto complainant. The defacto complainant was constrained to live with the petitioners along with the friend of the first petitioner. The petitioners tortured the defacto complainant physically and mentally demanding more dowry and also the friend of the first petitioner used to abuse and harass the defacto complainant. The first petitioner is having illegal contact with another girl, which was questioned by her and hence, the defacto complainant was thrown out from matrimonial home.



CrI.O.P(MD).No.9948 of 2025

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The defacto complainant lodged a complaint before the respondent police, but the respondent police has not taken steps to register the FIR as the petitioners are influential persons. Only after continuous efforts made by the defacto complainant, the case has been registered. If anticipatory bail is granted to the petitioners, they would tamper with the evidences and hence, the petition may be dismissed.

8. Heard and perused the available records. It is seen from the records that the first petitioner and defacto complainant got married under the self-respect principles of Periyar. It is also admitted that at the instance of the defacto complainant, they shifted the family to Goa. It is alleged by the petitioners that in Goa, the defacto complainant used to consume alcohol and also indulged in habits of smoking and using ganja, so they advised her to change her habits, resulting misunderstanding arose between them. To prima facie substantiate them, the petitioners have also produced the photos of the defacto complainant. The defacto complainant's case is that she was constrained to live with the petitioners along with the friend of the first petitioner and they all harassed her and demanded dowry. But, these are to be adjudicated at the time of conclusion by the trial Court after adducing evidences.

9. On perusal of the typed set produced by the petitioners as well as materials produced by the defacto complainant, it is clear that there was mutual agreement for divorce between them on terms even prior to lodging of this complaint and also the 4

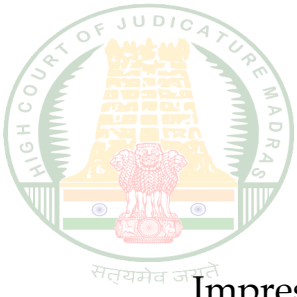


Crl.O.P(MD).No.9948 of 2025

sovereigns gold chain left by the defacto complainant in the matrimonial home. The petitioners state that there was no demand for dowry, which would be disclosed from communication between the first petitioner and the defacto complainant. In such circumstances, this case is registered on the allegation of dowry demand and also harassment. The Hon'ble Supreme Court repeatedly observed about the misuse of Section 498A of IPC and also emphasized that every marital dispute should not automatically lead to criminal proceedings U/s.498A of IPC. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

10. 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, Srivilliputhur, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Srivilliputhur, failing which, the anticipatory bail granted by this Court shall stand dismissed and on further condition that:

(a) The sureties shall affix their photographs and Left Thumb



Crl.O.P(MD).No.9948 of 2025

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Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(b) The petitioners shall furnish his residential address and contact number to the learned Judicial Magistrate, Additional Mahila Court, Srivilliputhur. If the petitioners change their residential address, they shall report the same to the learned Judicial Magistrate, Additional Mahila Court, Srivilliputhur;

(c) On release, the petitioners shall appear and sign before the Inspector of Police of respondent police station daily at 10.00 a.m. until further orders;

(d) The petitioners shall not abscond either during investigation or trial and he shall cooperate for the investigation;

(e) The petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and if there is any violation of condition, the



Crl.O.P(MD).No.9948 of 2025

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Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560** and;

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

11. Consequently, the connected Miscellaneous Petition is closed.

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18/08/2025

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

vsd
TO

- 1 The Judicial Magistrate, Additional Mahila Court, Srivilliputhur.
 - 2 The Inspector of Police, All Women Police Station, Rajapalayam, Virudhunagar District.
 - 3 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.V.SUBRAMANIAN, Advocate (SR-8886[I] dated 18/08/2025)
- +1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-8984[I] dated 20/08/2025)



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Crl.O.P(MD).No.9948 of 2025

ORDER

IN

CRL OP(MD) No.9948 of 2025

Date :18/08/2025

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