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CRL OP No. 9849 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9849 of 2026

1. Mageshwaran
2. Shanmuga Priya

..Petitioner(s)

Vs

The State Rep by the Inspector of Police,
Brahmapuram Police Station, Vellore District.
Crime No.53/2026

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.53 of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s):

Mr.M.Arun Kumar

For Respondent(s):

Mr.P.Dhileepan

Govt.Advocate (Crl Side)

ORDER

The petitioners, apprehending arrest by the respondent police for offences punishable under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998 (as amended), in Crime No.53 of 2026, seek anticipatory bail.



2. According to the prosecution, the petitioners allegedly attacked the defacto complainant, who is the wife of the 1st petitioner and abused her in filthy language at her parental home.

3. The learned counsel for the petitioners would submit that the 1st petitioner is the husband of the defacto complainant and the 2nd petitioner is his sister and it is a matrimonial dispute. The 1st petitioner and the defacto complainant are living separately; and the defacto complainant left the matrimonial home, leaving their two children in the sole care and maintenance of the 1st petitioner. The petitioners visited the parental house of the defacto complainant in a bona fide attempt at reunion and reconciliation. He would further contended that they have been falsely implicated due to the matrimonial rift. Furthermore, they submit that custodial interrogation is not required.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, opposes the grant of anticipatory bail, on instructions, submitted that while it is a matrimonial dispute, the altercation during the reunion attempt escalated into physical violence, resulting in the defacto complainant being hospitalised for four days. He further submitted that the petitioner has no bad antecedents.



5. Considering the totality of the circumstances, particularly that the matter arises from a matrimonial dispute and the 2nd petitioner is a woman with no prior antecedents, and the injured person has been discharged from the hospital, this Court takes note of the submission that the custody of the minor children remains with the 1st petitioner. While the prosecution alleges overt acts resulting in hospitalisation, given the nature of the dispute and the fact that custodial interrogation is not deemed necessary for the progress of the investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to 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 (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Katpadi, Vellore District, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each for a likesum to the satisfaction of the learned Magistrate concerned, and on further conditions:

- (a) If the petitioner(s) fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



- (b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;
- (c) The petitioner(s) shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;
- (d) The petitioner(s) shall not tamper with evidence or witness either during investigation or trial;
- (e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;



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(f) If the petitioner(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

- 1.The Judicial Magistrate, Katpadi, Vellore District,
- 2.The Inspector of Police, Brahmapuram Police Station, Vellore District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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