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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9963 of 2026

1. Chakkaravarthi
2. Govindasamy
3. Prema

..Petitioners

Vs

The State Rep by its,
The Sub-Inspector of Police,
Karuppur Police Station,
Salem District.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the Petitioners are on bail in the event of the arrest in connection with Crime No. 85 of 2026 on the file of the Respondent Police, The Sub-Inspector of Police, Karuppur Police Station, Salem District.

For Petitioners:

Mr.A Kumar

For Respondent:

Mr.P.Dhileepan
Govt.Advocate (Crl Side)

ORDER

The petitioners apprehends arrest for the alleged offence under Sections 296(b), 115(2), 351(2) of BNS and Section 4 of TNPWH Act in Crime No.85 of 2026 on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that de facto complainant is the wife of 1st petitioner. 2nd and 3rd petitioners are the parents of 1st petitioner. It is alleged that the 2nd petitioner abused and assaulted the de facto complainant in filthy language and also threatened her with dire consequences. Hence, this complaint.

3. The learned counsel for the petitioners submitted that the petitioners has been charged under section 296(b), 115(2), 351(2) of BNS and Section 4 of TNPWH Act. According to the averment, the de facto complainant was residing in matrimonial home since 2022. But, the 1st petitioner and the de facto complainant are living separately which would be evident from the averments made in the HMOP.No.209 of 2022 filed before the Family Court, Salem. Though, the said application for divorce was dismissed, now that the 1st petitioner has preferred CMA.No.51 of 2026 and the same is pending before the Hon'ble Bench of this Court.

4. The learned counsel for the petitioners further submitted that when there was matrimonial dispute between the petitioners and de facto complainant, the de facto complainant resided separately. Even in accordance with the averments in HMOP No.209 of 2022, the allegation in the FIR that he residing along with the 1st petitioner is illusory and complaint has been given only to



harass the petitioners.

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5. The said submission was strongly opposed by the learned Govt Advocate (Crl.Side) and submitted that the petitioners has assaulted the de facto complainant and thereby she sustained injury and she was in hospital for two days. And hence strongly opposed the bail application.

6. I have given anxious consideration to the submissions made by the learned counsel on either side.

7. Considering the facts and circumstances of the case, it is seen that though there is allegation and the counter allegation, the point to be considered at this stage is whether custodial interrogation of the petitioners is required or not. In this case, de facto complainant has stated that she has been living along with the 1st petitioner and however, as rightly contended by the learned counsel for the petitioners, HMOP for divorce pending between the 1st petitioner and the de facto complainant since 2022 and there was allegation that the de facto complainant was living separately. In such view of the above submission and upon the fact that the de facto complainant already discharged from hospital, this Court is inclined to enlarge the petitioners on anticipatory bail subject to certain conditions.



8. 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 Additional Mahila Court, Salem**, on condition that **the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

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

21-04-2026

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To:

1. The Additional Mahila Court,
Salem

2. The Sub-Inspector of Police,
Karuppur Police Station,
Salem District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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