



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 15182 of 2026

1. Balamurali

S/o. Late R.B. Palanivel Nayakkar,
No.45, Ruthiran Kovil West Street,
Thirukalukundram Taluk,
Chengalpattu District

2. Bhuvaneswari

W/o. Pazhanivel,
No.45, Ruthiran Kovil West Street,
Thirukalukundram Taluk,
Chengalpattu District

..Petitioner(s)

Vs

The Inspector of Police,
Thirukazhukundram Police Station,
Chengalpattu District.

..Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of BNSS, praying to enlarge the Petitioners on anticipatory Bail in the event of their arrest by the respondent in Cr.No.61 of 2026 on the file of the respondent herein.

For Petitioner(s):

Mr.G.Magesh Kumar

For Respondent(s):

MR.N.PALANIVEL,
GOVT.ADVOCATE (CRL.SIDE)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 115(2), 351(2) of BNS, 2023 r/w. Section 4 of TN Prohibition of Harassment of Women Act, 2002 in crime No.61 of 2026, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is none other than the wife of the first petitioner and they got married on 11.09.2023, as per the Hindu rites and customs. The second petitioner is the mother-in-law of the defacto complainant. The defacto complainant lodged a complaint on 29.10.2025, regarding harassment by the first petitioner. Though, the first petitioner assured her welfare during the enquiry, the petitioners allegedly failed to take her to the matrimonial home and humiliated her. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that suppressing the pendency of the divorce petition, the present complaint has been lodged with respect to an alleged occurrence that took place nearly a month earlier. The petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and upon instructions submitted that there is a matrimonial dispute between the petitioners and the defacto complainant. The victim sustained only the simple injury and that the occurrence took place on 28.01.2026. However, he opposed for granting anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioner, and the learned Government Advocate (Crl.Side) for the respondent.

6. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

7. From the submissions made on either side, it is seen that there is a divorce application pending in HMOP between the petitioner and the defacto complainant. The present complaint came to be registered after the filing of the divorce application. The learned Government Advocate (Crl.Side) would fairly contend that the victim sustained only simple injury and that the occurrence took place on 28.01.2026. Hence, taking into consideration of the matrimonial dispute between the petitioner and the defacto complainant and further considering that the occurrence took place on 28.01.2026, this Court is of the



firm view that, at this length of time, the custodial interrogation of the petitioners is not required. It is also relevant to mention that the second petitioner is a woman and, this Court is inclined to enlarge the petitioners on anticipatory bail.

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 Judicial Magistrate, Thirukazhukundram, on condition that the petitioners shall execute a 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 fail 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 and sign before the respondent police, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;



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(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.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AH

To

1.The Inspector of Police,
Thirukazhukundram Police Station,
Chengalpattu District

2.The Judicial Magistrate,
Thirukazhukundram.

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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