



CRL OP(MD). No.5895 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01/04/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

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1. Kailasa Ponnambalam
2. Karuppaiah Ponnambalam

... Petitioners/ Accused No.2&3

Vs

State of Tamilnadu Rep by,
The Sub Inspector of Police,
AWPS-Thirumayam,
Pudukkottai District,
Pudukkottai.
Crime No.5 of 2026.

... Respondent/ Complainant

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2026 on the file of the
Respondent Police.

For Petitioner : Mr.K.Jeyamohan
Advocate.

For Respondent : Mr.M.Karunanithi,
Government Advocate (Crl.Side)

For Intervener : Mr.S.Vignesh Shanmugam

ORDER : The Court made the following order :-



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The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 85, 318(2), 89 & 351(2) of BNS, 2023 in Crime No.5 of 2026 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners herein are the brothers of A1. A1 and the complainant loved each other. A1 had sexual intercourse with the complainant on several times on false promise that he would marry her. Due to which, she become pregnant. On the compulsion of the complainant, on 20.01.2026 at about 03.40 p.m, A1 performed the marriage with the complainant at Chinnapuliya Ayyanar Temple. Later, complainant was forcibly taken to the hospital by A1 and compelled her to undergo abortion against her will. After abortion, A1 removed the thali and abandoned her. When the same was questioned, the accused are abused her in filthy language and threatened her with dire consequences through phone. Hence, a case has been registered against the accused for the aforesaid offences. Hence, this petition.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they were falsely implicated in this case and



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they are no way connected in the above said incident. He would further submit that there is a dispute between A1 and the complainant and the FIR does not disclose the specific overt act against the petitioners and the petitioners are residing in abroad and no previous case is pending against them. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that A1 had sexual intercourse with the complainant on false promise that he would marry her. Hence, he become pregnant. On the compulsion of the complainant, he performed marriage with her at Temple. Thereafter, compelled her to under go abortion and after abortion, he abandoned her and threatened her with dire consequences.

5. The learned counsel for the Intervener would submit that A1 cheated the complainant on the pretext of marriage and had a physical relationship and forced her to abort the fetus. However, the complainant tried to reunited with A1, the petitioners herein/A2 & A3 prevented the same and threatened her with dire consequences. Hence, he strongly oppose to grant bail to the petitioners.



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6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions on either side and the nature of offences charged against the petitioners, and even according to the prosecution, the petitioners only aided A1 through phone and the petitioners are residing in abroad and no previous case is pending against them, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate Thirumayam**, and on further conditions that:

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m. for a period of one week, and thereafter as and when required for the interrogation.



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[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[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 the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

(P D B J)
01.04.2026
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dss

To

1.The Judicial Magistrate,

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Thirumayam.

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2. The Sub Inspector of Police,
AWPS-Thirumayam,
Pudukkottai District, Pudukkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J

dss

ORDER
IN
CRL OP(MD) No.5895 of 2026

Date : 01/04/2026
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