



CRL OP(MD). No.23585 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP (MD) . No.23585 of 2025

Mohamed Eliyas @ A.Mohamad Elyass
... Petitioner

Vs

1.The State of Tamilnadu Rep.By,
The Inspector of Police,
All Women Police Station,
Fort, Trichy City
(Cr.No.21 of 2025). ..1st Respondent/Complainant

2. S.Laikha Ishrath,
W/o.A.Mohamad Elyass
D/o.Mr.Syed Rafiq,
No.178, Akilandeshwari Nagar,
Pudhukudiruppu,
Kulumikrai Road,
Varaganeri,Trichy. ..2nd Respondent/Complainant

(R2 is suo motu impleaded as per the order of this Court dated 18.12.2025 in Crl.OP(MD).No.23585 of 2025.)

PRAYER :- For Anticipatory Bail in Crime No.21 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Lenin Kumar,
Advocate.
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 354, 498-A, 506(ii) of IPC r/w Section 4 of the Tamil Nadu Protection of Harassment of Women Act, in Crime No.21 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Due to wedlock they have two male children. Elder son is studying 8th standard and the younger son is suffering from autism disorder. It is alleged that the petitioner subjected the defacto complainant to harassment even for trivial issues and after the petitioner went abroad, he failed to take care of the defacto complainant and the children and did not provide money for essential household expenses. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent police.

5. Since it is a matrimonial dispute, this Court directed the defacto complainant to appear before this Court. But the defacto complainant inspite of receiving the information, do not appear today. The petitioner along with the two kids appeared before this Court. The second child is a special child. The first child is hale and healthy. This Court interacted with the first child who expressed his willingness to go with the father/petitioner.



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6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on condition that the petitioner shall 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 Sessions Judge, Additional Mahila Court, Trichy, within a period of fifteen days from the date on which the order copy is made ready and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when



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required for interrogation;

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond either during investigation or trial;

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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];

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

06.01.2026

PJL

To

1. Sessions Judge, Additional Mahila Court, Trichy.
2. The Inspector of Police,
All Women Police Station, Fort, Trichy City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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S.SRIMATHY, J

PJL

ORDER
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