
(2026) 03 MAD CK 0946

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 18532 18544 Of 2025, 4769 Of 2026

R.Karthikeyan And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 16-03-2026

Acts Referred:

Indian Penal Code, 1860 — Section 294(b), 406, 498(A), 506(1)
Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 — Section 4
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2026) 03 MAD CK 0946

Hon'ble Judges : K.K.Ramakrishnan, J

Bench : Single Bench

Advocate : J.Bharathan, M.Kaliraj, M.Karunanithi, T.Sugadev, C.B.Ramalingam

Final Decision : Dismissed

Judgement

K.K.Ramakrishnan, J

1. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b) and 506(1) of IPC r/w Section 4 of TNPHW Act, in Crime No.20 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The de-facto complainant married the first petitioner in Crl.O.P. (MD).No. 4769 of 2026 on 11.11.2017. At the time of marriage, both parties were employed as software engineers in Chennai. The marriage ceremony was performed in Madurai. In her detailed complaint running more than eleven pages, the de-facto complainant alleged that the petitioners demanded dowry and subjected her to both mental and physical harassment. She narrated several incidents from the very first day of marriage and stated that continuous cruelty was inflicted by the first petitioner and his family members. She further alleged matrimonial discord due to the birth of a female child. Due to these issues, the husband filed H.M.O.P.No.1055 of 2018, after which counseling was conducted. With the

intervention of well-wishers, both parties agreed to live together, and the petition was withdrawn on 17.11.2018. However, subsequent misunderstandings allegedly led to further separation, followed by multiple complaints made by the de-facto complainant against the husband and the in-laws before the respondent police. The respondent police registered a case against these petitioner for the offences under Sections 498(A), 406, 294(b) and 506(1) of IPC r/w Section 4 of TNPHW Act.

3.The learned counsel for the petitioners argued that the complaint itself reveals its falsity, as it is excessively lengthy and contains exaggerated allegations drafted by an advocate with the intention of roping in the entire family. It was further submitted that the de-facto complainant made this complaint only after receiving private notice in H.M.O.P filed by the husband in the year 2025. According to the petitioner's counsel, no material is available to constitute any of the offences mentioned in the FIR, and the complaint is a clear misuse of Section 498A IPC and an abuse of the legal process.

4.On the other hand, the learned Government Advocate (Criminal Side) submitted that serious allegations of dowry demand and continuous harassment exist from shortly after the marriage. It was argued that despite repeated requests, no steps were taken to resolve the disputes by the petitioners. It was also submitted that the repeated complaints by the de-facto complainant indicate perpetual cruelty. Further, the husband is residing in the United States of America and his regular appearance before the trial court is doubtful; therefore, the petition for anticipatory bail should be dismissed.

5.In reply, the learned counsel appearing for the petitioners submitted that the husband has already quit his job in New York, and is willing to surrender his passport, and will appear regularly before the court on all hearing dates.

6.This Court considered the rival submissions made by the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side), and the learned counsel appearing for the defacto complainant, and perused the materials available on record.

7.From a reading of the complaint and the materials placed before this Court, it appears that the dispute between the parties has arisen out of matrimonial discord. The narration in the complaint indicates that differences had arisen between the spouses on several occasions and that, initially, efforts were made by the parties, with the intervention of elders and well-wishers, to resolve their differences and resume matrimonial life. In fact, it is seen that an earlier petition for divorce filed by the husband in H.M.O.P.No.1055 of 2018 was subsequently withdrawn on 17.11.2019 after the parties reunited. However, the materials also reveal that the marriage was on the rocks and that further disputes arose between the parties, ultimately resulting in their separation. It is further brought to the notice of this Court that the husband has filed a subsequent divorce petition in the year 2025. According to the petitioners, the present complaint

came to be lodged after the defacto complainant received notice in the said matrimonial proceedings. Having considered the overall circumstances of the case, the nature of the allegations, and the fact that the dispute essentially emanates from matrimonial discord between the parties, this Court is of the view that the petitioners can be granted the relief of anticipatory bail, subject to appropriate conditions, so as to ensure their cooperation for the investigation. Since all the petitioners are close family members, common sureties are permitted.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, on condition that the petitioners shall execute two common sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Learned Judicial Magistrate No.V, Madurai District, within a period of fifteen days from the date on which the order is made ready and on further conditions that:

[a] the learned Judicial Magistrate No.V, Madurai District, is hereby directed to accept two common sureties for all the accused.

[b] The first petitioner (A1), who is the husband of the defacto complainant and the petitioner in CrI.O.P. No.4769 of 2026, shall surrender his passport before the learned trial Judge and shall file an affidavit of undertaking to the effect that he will appear before the Court on all material hearing dates in the criminal case.

[c] The first petitioner in CrI.O.P.(MD).No.4769 of 2026, who is the husband of the defacto complainant, shall appear before the respondent police daily at 10.30 a.m. for a period of fifteen days and thereafter as and when required. Insofar as the remaining petitioners are concerned, no condition is imposed requiring them to appear before the respondent police daily; however, they shall appear before the respondent police as and when required.

[d] the petitioners 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.

[e] the petitioners shall not tamper with the evidence or influence the witnesses either during investigation or trial.

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

[g] 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].

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