IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO(s). 17080-17081/2026)

K. DHARMARAJAN & ORS. APPELLANT(S)

VERSUS

STATE OF TAMIL NADU & ORS. RESPONDENT(S)

ORDER

1. Leave granted.

2. We have heard learned counsel for the appellants namely K. Dharamarajan, D. Chellammal, Nathiya and D. Baviya; learned counsel for Respondent No.1-State of Tamil Nadu; and learned counsel for Respondent No.2-*de-facto* complainant.

3. Appellants had moved for anticipatory bail before the High Court of Judicature at Madras, Madurai Bench (briefly 'the High Court' hereinafter) as they were named as accused in Crime No.06/2022 lodged by the complainant before the Police Station- Tiruppathur, District-Sivagangai, Tamil Nadu under Sections 498A, 342 and 506(1) of the Indian Penal Code, 1860 (for short, 'IPC') read with Sections 4 and 6 of the Dowry Prohibition Act, 1961.

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Date: 2026.01.05 15:01:57 IST
Reason:

4. Vide the order dated 07.10.2022, the High Court granted anticipatory bail to the appellants, subject to certain conditions. One of the conditions mentioned as clause (b) of paragraph 8 reads as follows:

> ***"[b] the husband of the defacto complainant/A1 shall come down to India within six months from today, so as to settle the dispute between the parties amicably. In the meanwhile, A1 is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) per month towards interim maintenance in the defacto complainant's account, on the first week of every English Calendar month, till the same is modified by any of the proceedings of the Court of law."***

5. It is stated that A-1 is the husband of the complainant, who is residing abroad and he was not one of the petitioners who had sought anticipatory bail before the High Court. It was only the appellants herein who were before the High Court.

6. With the allegation that the appellants did not comply with the aforesaid condition, complainant moved the High Court for cancellation of the anticipatory bail, whereafter the High Court passed the impugned order dated 27.11.2025 rejecting the anticipatory bail granted to the appellants on the ground that the husband of the complainant had failed to return to India and pay maintenance to the informant.

7. This Court vide order dated 24.08.2026 had issued notice and in the meanwhile, stayed the impugned order

dated 27.11.2025, qua the appellants.

8. Learned counsel for Respondent No.1-State of Tamil Nadu as well as learned counsel for Respondent No.2-*de facto* complainant vehemently argued that it was the appellants themselves who had given an assurance before the High Court that A-1, i.e. the husband of the informant, would return to India and pay maintenance to the complainant. It is because of their assurance that the High Court had incorporated such a condition in the bail order. Naturally when such aforesaid condition was not complied with, the High Court rightly cancelled the anticipatory bail granted to the appellants.

9. Time and again, this Court has reiterated that while considering the prayer of anticipatory bail of an accused, the Court should not impose conditions like payment of maintenance etc., for which there is a separate forum and procedure. A process of bail or anticipatory bail cannot be converted into a forum for grant of maintenance, more so when A-1, i.e. the husband, was not a party before the High Court. Further, appellants have no control over A-1 who resides abroad. If the husband does not come back to India and pay the maintenance to the complainant, appellants cannot be held responsible for such conduct of the husband.

10. That being the position, the impugned order dated 27.11.2025 passed in Crl. M.P(MD). No.5078 of 2025 in Crl.O.P(MD). No.18062 of 2022 by the High Court is set

aside to the extent of cancellation of anticipatory bail granted to the appellants by the High Court.

11. We direct that the appellants, i.e. K. Dharamarajan, D. Chellammal, Nathiya and D. Baviya, shall continue to remain on pre-arrest bail, subject to the conditions imposed by the High Court vide order dated 07.10.2022, except clause (b), as aforesaid. However, appellants shall appear before the Trial Court on the dates fixed.

12. The Criminal Appeals are, accordingly, allowed.

13. Pending application(s), if any, shall also stand disposed of.

……...J.

[UJJAL BHUYAN]

……...J.

[ATUL S. CHANDURKAR]

NEW DELHI;
04th NOVEMBER, 2026.
AK

ITEM NO.6 COURT NO.13 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 17080-17081/2026

[Arising out of impugned final judgment and order dated 27-11-2025 in CRLOP(MD) No. 21658/2025 27-11-2025 in CRLMP(MD) No. 5078/2025 passed by the High Court of Judicature at Madras at Madurai]

K. DHARMARAJAN & ORS. Petitioner(s)

VERSUS

STATE OF TAMIL NADU & ORS. Respondent(s)

(IA No. 251359/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 251360/2026 - EXEMPTION FROM FILING O.T.)

Date : 04-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Mr. R. Sudhakaran- 3964, AOR
Mr. R. Boopathi, Adv.
Mr. S. Geyolin Selvam, Adv.
Mr. P.R. Rajendran, Adv.
Mr. Ajith Williyam S., Adv.

For Respondent(s): Mr. S. Gowthaman- 1740, AOR

Mr. M. Veeraragavan- 3890, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The Criminal Appeals are allowed in terms of the signed order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR) (CHETNA BALOONI)
COURT MASTER (SH) COURT MASTER (NSH)