



Crl.OP.No.19450 of 2024

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P.DHANABAL,J

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 82 & 85 of the Bharathiya Nyaya Sanhita (BNS), 2023, in Crime No.246/2024, on the file of the respondent police, seek anticipatory bail.

2.The prosecution's case is that there was a matrimonial dispute arose between the first accused and the defacto complainant; the 1st and 2nd petitioner's son (A1) sent a legal notice to the defacto complainant and the 1st petitioner filed a divorce case in HMOP.No.1335/2023 before the learned Principal Family Court, Coimbatore which was pending. In the meanwhile, the De-facto complainant lodged a complaint against her husband that he is going to marry the 4th petitioner herein. The police officer warned both the A1 and A5 and send them. On 10th July 2024 the De-facto complainant heard the news that A1 married A4 and the De-facto complainant sister called to A2 to verify the Truth, but A2 abused her by using Filthy Language. Hence the Complaint Registered. Hence the petition.



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3.The learned counsel for the petitioner would contend that the defacto complainant is the daughter in law of the 1st and 2nd petitioners and the 3rd petitioner is th daughter of the petitioners 1 and 2, the 4th petitioner is the distance relative of the petitioners 1 to 3. There petitioners are innocent and the petitioners 1 and 2 and elders and the defacto complainant falsely tried to implicate the petitioners in the alleged office. Hence, he prays to grant anticipatory bail to the petitioners/A2-5.

4. The Government Advocate (criminal side) for the respondent police would submit A2 is the mother in law ; A3 is the father in law and A4 is the sister in law and A5 is the lady with whom the A1 was having illicit affair without getting divorce. There was also HMOP was pending in the year 2023; A1 was arrested and still in judicial custody. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Heard both side and perused the materials available on record.

6. Considering the representations made by both sides' learned counsels, and also considering the fact that there is also a matrimonial dispute between the defacto complainant and the first accused and these



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petitioners are only in laws and also considering the HMOP.No.1335/2023

is pending before the Principal Family Court, Coimbatore case and considering the nature of offence, I am inclined to grant anticipatory bail to the petitioners on the following conditions.

7.Accordingly, this Criminal Original Petition is **allowed** and the petitioners are ordered to be released on anticipatory bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-VII, Coimbatore**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of 8 weeks, thereafter as and when required for interrogation;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or



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[d] On breach of any of the aforesaid conditions, the respondent police 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 anticipatory 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

13.08.2024

jrs



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- 1.The Judicial Magistrate No.7. Coimbatore.
2. The Inspector of Police,
Kuniyamuthur Police Station.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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