



Crl.OP.No.20028 of 2024

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P. DHANABAL, J.

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The petitioners / accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 85, 86, 82(1) and 3(5) of BNS, in Crime No.30 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant and the first petitioner / A1 got married on 27.05.2001 and due to difference of opinion A1 had filed petition for divorce and the *de facto* complainant had filed Domestic Violence case as against the A1 and A2 and since A1 married A3, the *de facto* complainant questioned A1 and A1 abused the *de facto* complainant in filthy language and threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and they have not involved in the offences as alleged by the prosecution and the respondent police had falsely implicated them in this case. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal side) for the respondent would submit that the case pertains to a family dispute between the petitioners and *de facto* complainant and the first petitioner had abused the *de facto* complainant in filthy language and threatened her with dire consequences. He would further submit that there are no previous cases pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Considering the relationship between the parties and considering the fact that there are no previous cases as against the petitioners and also considering the nature of offences, I am inclined to grant anticipatory bail to the petitioners.

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 **Additional Mahila Court (Magistrate Level), Erode**, on condition that the



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petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), 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 four weeks.**

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners 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 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]***.



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WEB COPY [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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22.08.2024



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1. The Additional Mahila Court,
(Magistrate Level)
Erode.
2. The Inspector of Police,
AWPS Erode,
Erode District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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