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CRL O.P. No.21633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21633 of 2024

Bathiran

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.

(Crime No.246 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.246 of 2024, on the file of the respondent.

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.07.2024, for the offences punishable under Sections 82 and 85 of BNS, 2023, in Crime No.246 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner/A1 and the defacto complainant are husband and wife and they were blessed with 7 month old baby. The petitioner along with the other accused, namely A2 who is the sister of A1, A3 and A4 parents of A1, harassed the defacto complainant and demanded a huge dowry. Further, the petitioner, without obtaining divorce, has married A5. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that it is a matrimonial dispute between the petitioner and the defacto complainant and the petitioner has filed a divorce petition in HMOP.No.1335 of 2023 before the Principal Family



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Court, Coimbatore. He would also submit that the petitioner has been in custody for more than 45 days and co-accused have been released on bail. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused, harassed the defacto complainant and demanded a huge dowry, when the defacto complainant refused the same, the petitioner, without obtaining divorce, has married another girl/A5. He would further submit that co-accused have been released on bail. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the relationship between the parties and that co-accused have been released on bail and considering that there is matrimonial dispute pending between the petitioner and the defacto complainant and also the number of days of incarceration undergone by



the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to 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 **Additional Mahila Court, Coimbatore**, and on further conditions that;

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

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner 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 him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 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]; and



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

04.09.2024

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To

- 1.The Additional Mahila Court, Coimbatore.
- 2.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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