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CRL O.P. No.24872 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.24872 of 2024

Mohanraj

... Petitioner / Accused-1

Vs

State rep. by
The Inspector of Police,
AWPS Periyanaickenpalayam Police Station,
Coimbatore District.

(Crime No.18 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.18 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.09.2024, for the offences punishable under Sections 498(A), 494,



294(b) and 506(ii) of IPC, in Crime No.18 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and their marriage was held in the year 2016 and out of their wedlock, a female child was born to them. Due to matrimonial dispute with regard to dowry, the defacto complainant was sent to her parents house. Thereafter, the petitioner, without obtaining divorce from the defacto complainant, married A2 and they had two children, when the defacto complainant questioned the same, the petitioner along with the other accused, abused the defacto complainant in filthy language and assaulted her. 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 the petitioner is no way connected with the alleged offence. He would further submit that the petitioner has been in custody from 12.09.2024. He would further submit that there is no previous case against the petitioner and the petitioner is also ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are husband and wife and their marriage was held in the year 2016 and out of their wedlock, a female child was born to them. Due to matrimonial dispute, the petitioner along with the other accused, abused the defacto complainant in filthy language and assaulted her. He would further submit that there is no previous case against the petitioner. However, 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 nature of offences charged against the petitioner and that there is family dispute pending between the parties and no previous case is pending against the petitioner, considering 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 **Judicial Magistrate, Additional Mahila Court, Coimbatore**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days 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

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

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To

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- 1.The Judicial Magistrate, Additional Mahila Court, Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
AWPS Periyanaickenpalayam Police Station,
Coimbatore District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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