



Crl.O.P.No.27395 of 2024

Crl.O.P.No.27395 of 2024

WEB COPY

P.DHANABAL,J.

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 85, 82(1), 3(5), 115(2), 118(1), 296(b), 351(3) of BNS Act and Section 4 of Women Harassment Act in Crime No.17 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between A1 and the defacto complainant, they got separated. They are having one female child aged about six years. While so, her husband/A1 got married with one Akila/the third petitioner herein, the same was questioned by the defacto complainant, due to which, the defacto complainant's husband/A1 along with the petitioners herein picked her hair and thrown her out from the matrimonial home and caused injuries to her and thereafter she went to her parental home. Thereby, A1 and his family members have harassed the defacto complainant. Hence, the case.



Crl.O.P.No.27395 of 2024

WEB COPY

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that they are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there was a matrimonial dispute between the defacto complainant and her husband, due to which, they got separated. In the meanwhile, A1 had got married one Akila, the same was questioned by the defacto complainant, for which, the petitioners have thrown out her from the matrimonial home. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.



CrI.O.P.No.27395 of 2024

WEB COPY

6. Considering the nature of offence, there was a relationship between the parties and matrimonial dispute between A1 and the defacto complainant and also the fact that there is no previous case against the petitioners and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***Judicial Magistrate Court, Uthangarai, Krishnagiri District*** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each 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 tamper with evidence or witness either during investigation or trial.

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



CrI.O.P.No.27395 of 2024

trial.

[d] 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].

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

30.10.2024

Vv



WEB COPY



Crl.O.P.No.27395 of 2024

P.DHANABAL, J.

Vv

Crl.O.P.No.27395 of 2024

30.10.2024