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CrI.O.P.No.17464 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17464 of 2025

Bhaskar. K

... Petitioner/A1

Vs

State Represented by
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri.
(Crime No.45 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to release the petitioner on bail in
the event of his arrest by the respondent police in Crime No.45 of 2025 on
the file of the respondent police.

For petitioner : Mr.S.Papitha

For Respondent : Mr.R.Vinothraja

Government Advocate (Criminal Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 85, 115(2) and 351(3) of BNS, 2023 in Crime No.45 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and de-facto complainant are husband and wife. They had no issues. The petitioner's sister and mother harassed the de-facto complainant and sent her out of the matrimonial home. When the de-facto complainant and her parents came for the last rites of the petitioner's mother, the petitioner's family members picked up a quarrel with the de-facto complainant that she is unfit to bear any child and they got married one Jothi to the petitioner. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as



alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there is a matrimonial discord between the petitioner and de-facto complainant. The petitioner's family members picked up a quarrel with the de-facto complainant that she is not fit to bear children and also threatened the de-facto complainant that they will marry one Jothi to the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.



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6. Considering the submissions made on either side, it is seen that the petitioner and de-facto complainant are husband and wife and they had no issues. Further, there is a matrimonial dispute between them. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Hosur** on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

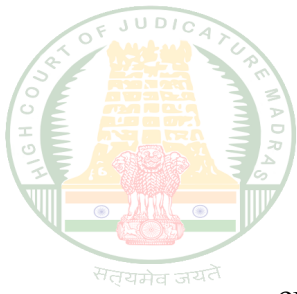
[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of three weeks and thereafter as and when required for further interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by the respondent as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police



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custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

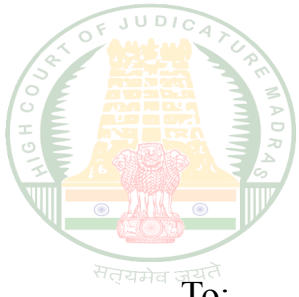
[g] the petitioner shall not abscond either during investigation or trial;

[h] On breach of any of the aforesaid conditions, the learned 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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To:
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- 1.The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri.
- 2.The Judicial Magistrate No.II,
Hosur.
- 3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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