



Crl.O.P.Nos.19401 & 19032 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.19401 & 19032 of 2025

1.Mageshwaran
2.Kalaiarasi ... Petitioners in Crl.O.P.No.19401/2025

1.S.S.Subha
2.K.Somasundaram
3.S.Saroja ... Petitioners in Crl.O.P.No.19032/2025

Vs.

1.State by the Inspector of Police
All Women Police Station
Periyanaickenpalayam Police Station
Coimbatore District.
Crime No.12/2025 (Zero FIR)

2.The Inspector of Police
All Women Police Station
Rasipuram, Namakkal District
Crime No.Not Known /2025 ... Respondents in both Crl.O.P.Nos.



Crl.O.P.Nos.19401 & 19032 of 2025

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Common Prayer: Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on anticipatory bail in the event of arrest in connection with the Crime No.12 of 2025 (Zero FIR) pending on the file of the first respondent police and the same is transferred before the second respondent.

For petitioners

in both Crl.O.P.Nos. : Mr.R.Nalliyappan

For Respondent

in both Crl.O.P.Nos. : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMN ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 82(1), 85 of BNS, Act, 2023 altered into 82(1), 85, 296(b) & 351(1) of BNS Act, 2023, in Crime No.12 of 2025, on the file of the respondent police, seeks anticipatory bail.



Crl.O.P.Nos.19401 & 19032 of 2025

WEB COPY

2. The case of the prosecution is that the defacto complainant and A1 are husband and wife. A1 had done bigamous marriage with one A6. On questioning the same, A1 along with other accused alleged to have attacked the defacto complainant by using unparliamentary words and affirmed that A1 would not live with the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prayed for grant of anticipatory bail to the petitioners.



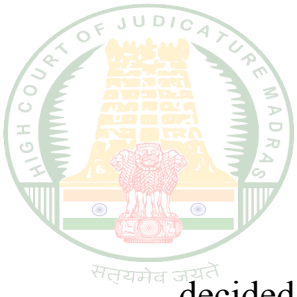
Crl.O.P.Nos.19401 & 19032 of 2025

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing for grant of bail to the petitioners, reiterated the prosecution case.

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

6. Considering the submissions made by the learned counsel on either side, it is seen that, in this case, there was a matrimonial dispute between accused No.1 and the defacto complainant. Their marriage took place on 11.09.2023. Both are software engineers working in Bangalore. A1's father belongs to a different community which was not disclosed to the defacto complainant. Hence, the defacto complainant is not interested in continuing the matrimonial life with accused No.1, pursuant to which, both



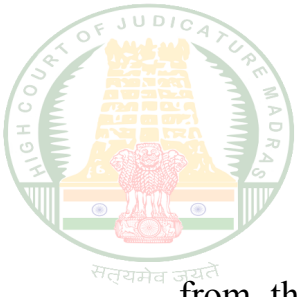
CrI.O.P.Nos.19401 & 19032 of 2025

decided to get separated and compromise was arrived during March-2023.

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Since the demand was huge, unable to meet immediately, he took some time for making arrangements. In the meanwhile, A2 mother of A1 was arrested in this case by the respondent police and thereafter, initially a zero FIR was filed by the first respondent and the same has now been transferred to the file of the second respondent, finding that there is a matrimonial discord which has been magnified and manifest in both criminal complaints. It is further seen that in this case the second respondent is yet to receive the file and re-number the case and in view of the same, the petitioners are granted anticipatory bail in Crime No.12 of 2025 pending on the file of the first respondent, (now transferred to the second respondent & FIR number to be assigned) subject to the following 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



Crl.O.P.Nos.19401 & 19032 of 2025

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from the date on which the order copy made ready, before the **learned Judicial Magistrate, Additional Mahila Court, Coimbatore**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each, 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:

[a] if the petitioners 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;



Crl.O.P.Nos.19401 & 19032 of 2025

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**[c] the petitioners shall report before the respondent
Police as and when required for further interrogation;**

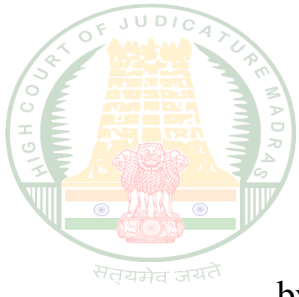
[d] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall make himself available for interrogation by a Police office as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioners 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 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



Crl.O.P.Nos.19401 & 19032 of 2025

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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.

25.07.2025

dna

To:

1.The Judicial Magistrate, Additional Mahila Court, Coimbatore.

2.The Inspector of Police
All Women Police Station
Periyanaickenpalayam Police Station
Coimbatore District.
Crime No.12/2025 (Zero FIR)

3.The Inspector of Police
All Women Police Station
Rasipuram, Namakkal District
Crime No.Not Known /2025
Pernampet Police Station
Vellpre District
(Crime No.175 of 2025).



Crl.O.P.Nos.19401 & 19032 of 2025

4.The Public Prosecutor,
High Court Madras.

M.NIRMAL KUMAR, J.

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Crl.O.P.Nos.19401 & 19032 of 2025

25.07.2025