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CRL OP NO. 31413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3527 of 2025

1.Bhrattwaj Rajagopal
2.R.Nirmala

Petitioners

Vs

The State Rep by its, The Inspector of Police,
All Women Police Station,
Thirumangalam,
Chennai.Cr.No.41 of 2024

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner / Accused on
anticipatory bail in the event of arrest in Crime No.41 of 2024 pending
on the file of the respondent police.

For petitioners:

Mr.M.Govindaraju

For Respondent(s):

Mr.S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 316(2), 318(4) and 85



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of BNS on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant was subjected to matrimonial cruelty and her gold jewels were retained by the petitioners. Hence, the case.

3. The learned counsel for the petitioners submitted that the matter is settled outside the Court and the parties have arrived at compromise and circulated the Memorandum of Compromise before this Court stating that the first petitioner, husband herein and the *de facto* complainant have decided to get divorce by mutual consent and the first petitioner has agreed to pay a sum of Rs.20,00,000/- in full and final settlement of all the claims put forth by the *de facto* complainant.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

5. Considering the fact that the parties have arrived at compromise, and since custodial interrogation of the petitioners are not required, this Court is inclined to grant anticipatory bail to the petitioners subject to the



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following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **XIIIth Metropolitan Magistrate, Egmore** on condition that the petitioners 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police every day at 10:30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**;



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SUNDER MOHAN, J.

vca

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

vca

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To
1 The Inspector of Police,
All Women Police Station,
Thirumangalam,
Chennai.
2. XIIIth Metropolitan Magistrate, Egmore
3. The Public Prosecutor
High Court, Madras

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