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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31666 of 2026

CNR: {HCMA012620802026}

1. A Gokul

2. K S Padmavikassiny

Case QR

..Petitioner(s)

Vs

State Represented By, The Inspector of Police
AWPS South, Coimbatore City
Crime No. 46 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on bail in the event of their arrest in connection with crime NO. 46 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr.N.K. Ponraj

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 85, 316(2), 318(4) & 351(2) of the Bharatiya Nyaya Sanhita, 2023, in Crime No.46 of 2026 on the file of the respondent police seek anticipatory bail.

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2.The prosecution case is that the defacto complainant was subjected to physical and mental harassment by her husband and his family members after marriage. Despite receiving 40 sovereigns of gold jewellery and other articles at the time of marriage, they harassed her and misappropriated her money and jewellery. Further, digital loans were fradulently obtained in her name without her knowledge or consent by misusing her bank account, SIM card and registered e-mail ID. Hence, she lodged a police complaint, based on which the present case was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and have been falsely implicated due to a matrimonial dispute between the parties. He would further submit that the allegations are exaggerated and that the custodial interrogation of the petitioners is not required. The petitioners are residing at a known address and are ready and willing to cooperate with the investigation and abide by any condition that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) vehemently opposed the grant of anticipatory bail, submitting that the petitioners subjected the *defacto* complainant to continuous cruelty, withheld 20 out of 40 sovereigns

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of her gold jewels, and demanded an additional dowry of Rs.5,00,000/-. He further submitted that the husband illegally swapped her SIM card, transferred Rs.12,00,000/- from her bank account, and availed fraudulent digital loans in her name. Since the investigation is pending and recovery is yet to be made, he prayed for the dismissal of the petition.

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

6. Considering the facts and circumstances of the case, it is evident that the dispute primarily arises out of a matrimonial discord between the parties. While serious allegations have been raised regarding the retention of gold jewels and unauthorized financial transactions, the veracity of these claims can only be established during a thorough investigation and subsequent trial. Taking into account that the petitioners are permanent residents with deep roots in society, and considering that custodial interrogation may not be strictly necessary if they cooperate with the investigating agency, this Court is inclined to grant anticipatory bail to the petitioners, subject to stringent 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 (15) days from

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the date on which the order copy is made ready, before the **learned Judicial Magistrate, Special Court for trial of cases filed under Protection of Women from Domestic Violence Act, Coimbatore,** on condition that **the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only),** with **two sureties each,** for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (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 1st petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of seven days and thereafter as and when required for interrogation and the 2nd petitioner shall report before the respondent police as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

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(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

04-11-2026

GBI

To

1.The Judicial Magistrate, Special Court for trial of cases filed under Protection of Women from Domestic Violence Act, Coimbatore.

2.The Inspector of Police
AWPS South, Coimbatore City.

3.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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