



Crl.OP.No.19661 of 2024

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P.DHANABAL, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 115(2) of BNS and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.228 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the due to dispute with regard to the usage of properties, a wordy quarrel arose between the defacto complainant and the petitioner. The petitioner had attacked the defacto complainant and abused with filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would contend that they have nothing to do with the commission of offence, only as a counter blast, the present complaint has been lodged as against the petitioners and they are falsely implicated by the respondent police in the case. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that it is a case in counter and there is a property dispute already pending between the parties. The defacto complainant was assaulted with wooden log and hands and caused injuries. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the rival submissions on either side and there is a property dispute pending between the parties and also there is a case in counter and by considering the fact that except Section 4 of Tamil Nadu Prohibition of Women Harassment Act, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. 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 Court No.2, Udumalpet, Tiruppur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



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(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:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

16.08.2024

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