



Crl.O.P.No.19642 of 2024

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WEB C **P.DHANABAL,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 329(4), 126(2), 74, 351(2) of BNS and Section 4 of TNPHW Act, in Crime No.11 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the on 05.08.2024, when the defacto complainants husband was not in the house, the petitioner broke open the roof and entered into the house of the defacto complainant at about 1.00 a.m., and attempted to rape her. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and a false case has been foisted against him due to previous enmity and that there is no previous case against the petitioner. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed to grant anticipatory bail to the petitioner stating that the petitioner is the neighbour of the defacto complainant and knowing well that the defacto complainant's husband was not in house on the date of occurrence, the petitioner entered into the house of the defacto complainant and attempted to rape her.



5. Considering the submissions of both sides and that the dispute is between the neighbours, considering the nature of offence and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate, Dharapuram, Tiruppur District**, 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 and on further condition that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 v. State of Kerala [(2005) AIR SCW 5560].

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S

23.08.2024

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To

- 1.The Judicial Magistrate, Dharapuram, Tiruppur District.s
- 2.The Inspector of Police, AWPS Dharapuram Police Station, Tiruppur District.
- 3.The Public Prosecutor, High Court, Madras-600 104.



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