



Crl. O.P. No.20174 of 2024

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WEB CO P.DHANABAL.J.,

The petitioners apprehend arrest for the alleged offence under Sections 115, 132, 351(2), 296 of B.N.S. in Cr. No.307 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that on 14.08.2024, based on the secret information received by the defacto complainant police that the sand has been transported from Thadaperumbakkam lake and when he went to stop the transit in un-uniform, quarrel arose between the lorry driver and the defacto complainant and both the parties had assaulted with each other and hence the case.

3.The learned counsel for the petitioners would contend that a false complaint has been foisted against the petitioners for the alleged offences under Sections 115, 132, 351(2), 296 of B.N.S., that in fact, the petitioners have not committed any offence and these petitioners were travelling from Thadaperumbakkam, Ponneri and due to heavy traffic in highways, being a general public, the petitioners voluntarily engaged themselves to clear the traffic jam and at that time, one person came there and started quarreling



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with the petitioners and physically assaulted the lorry driver with drunken mode and the petitioners went there to stop the quarrel and at that time, wordy quarrel arose between the parties and hence the petitioners have been falsely implicated in this case. Therefore he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that these petitioners have assaulted the police officials, when they were enquiring about the illegal sand transport by the lorry driver and the offences are grave in nature and investigation is at initial stage. Further he would submit that already the 1st petitioner namely Sabari was secured by the police and therefore, this petition as against the 1st petitioner has become infructuous and he strongly opposed to grant anticipatory bail to the 2nd petitioner. However, the learned Government Advocate admitted that there is no previous case against these petitioners.

5.Heard both sides and perused the materials available on record.

6. Considering the submission of the learned Government Advocate (Criminal side) that the 1st petitioner was already secured and arrested, the



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anticipatory bail would not arise with respect to the 1st petitioner.

Accordingly, the anticipatory bail petition is dismissed as 'infructuous' with respect to the 1st petitioner.

7. Considering the rival submissions on either side and considering the fact that there is no previous case against the 2nd petitioner, considering the fact that while clearing the traffic jam, there was wordy quarrel arose between the petitioners and the defacto complainant, who was in un-uniform and considering the nature of offences, I am inclined to grant anticipatory bail to the 2nd petitioner, subject to the following conditions:

7. Accordingly, the 2nd 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 No.I, Ponneri** on condition that the 2nd petitioner shall each 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 learned Magistrate concerned and on further condition that:

[a] the 2nd petitioner shall report before the concerned



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jurisdictional Magistrate i.e., Judicial Magistrate No.I, Ponneri on every working day at 10.30 a.m. for 30 days.

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[b] the 2nd petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the 2nd petitioner shall not leave India without the previous permission of the Court;

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner 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].

[f] If the 2nd petitioner / accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

21.08.2024



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To

1. The Judicial Magistrate No.I, Ponneri
2. The Inspector of Police, E1 Ponneri Police Station, Tiruvallur.
3. The Public Prosecutor, High Court, Madras.



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