



Crl. O.P. No.21526 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 2 to 4 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 331(3) and 351(3) of B.N.S. 2023 in connection with the Cr. No.145 of 2024, seek anticipatory bail.

2. The case of the prosecution is on 03.08.2024 at about 1.50 p.m., the daughter of the defacto complainant, her husband and her in-laws had trespassed into the house of the defacto complainant, when the defacto complainant tried to restrain them, they threatened her with dire consequences, abused her in filthy language and pushed her out of house. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the 1st petitioner is the son-in-law of the defacto complainant, 2nd and 3rd petitioners are parents of the 1st petitioner, that they have arrayed as 2 to 4 accused in this case, that the 1st accused is the only daughter of the defacto complainant, that at request of the defacto complainant, the 1st petitioner along with A1, had renovated the house of the defacto complainant and spent Rs.32 lakhs by mortgaging the property, by



Crl. O.P. No.21526 of 2024

pledging the gold jewels and by spending their earned money in foreign, that the defacto complainant lives in ground floor and the 1st petitioner lives in first floor along with his family, that against the defacto complainant, A1 has also lodged a complaint in CSR No.122 of 2024, that A1 was already granted bail, that the petitioners have not involved in the crime, that they are innocent persons, that they have not committed any offence as alleged by the defacto complainant, that they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that due to dispute between the mother and the daughter in respect of property, petitioners had abused and attacked the defacto complainant and threatened her with dire consequences. Hence he objected for the grant of anticipatory bail. Further he submitted that the injured person was discharged from the hospital and there is no previous case pending against the petitioners.

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

6. Considering the arguments putforth on either side, considering the



Crl. O.P. No.21526 of 2024

fact that the injured person was discharged from the hospital, that there is already a dispute pending between the parties with respect to property, that no previous case is pending against the petitioners, that considering the relationship between the parties, I am inclined to grant anticipatory bail to the petitioners, subject to the following 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 days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Pollachi** 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday for a period of 4 weeks and thereafter as and when required for investigation.

[b] the petitioners shall not, directly or indirectly, make any



Crl. O.P. No.21526 of 2024

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 petitioners shall not leave India without the previous permission of the Court;

[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].

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

09.09.2024

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Crl. O.P. No.21526 of 2024

To

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- 1.The Judicial Magistrate No.II, Pollachi
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Gomangalam Police Station, Coimbatore District.

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