



**Crl. O.P. No.21680 of 2024**

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**P. DHANABAL.J.,**

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The petitioners / Accused 4 & 5 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 326(g), 351(3) of B.N.S. Act 2023 in connection with the Cr. No.123 of 2024, seek anticipatory bail.

2. The case of the prosecution is that due to the land dispute, the petitioners along with other accused, came to the defacto complainant's house and asked them to partition the property and used filthy language, A1 to A3 had thrown the matchsticks on the defacto complainant and the same got fired and threatened the defacto complainant with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that they have not involved in the commission of offences, that they have not committed any offence as alleged by the prosecution and 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 these petitioners are A4 and A5,



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that due to the land dispute, the petitioners along with co-accused abused the defacto complainant in filthy language and threatened with dire consequences by throwing matchsticks and they got fired and hence he objected for the grant of anticipatory bail to the petitioners. Further he submitted that 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 nature of offences charged against the petitioner, considering the fact that there is no specific overt act attributed against these petitioners, that the co-accused were secured by the respondent police and that there is no previous case pending against these petitioners, 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 **Additional Mahila Court, Dharmapuri** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



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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 daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for investigation.**

[b] the petitioners 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 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



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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.

10.09.2024

mjs

To

- 1.The Additional Mahila Court, Dharmapuri.
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Indur Police Station, Dharmapuri District.

**P.DHANABAL,J**  
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