



Crl. O.P. No.21713 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 1 & 3 who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 351(2) of B.N.S. 2023 read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act in connection with the Cr. No.388 of 2024, seek anticipatory bail.

2. The case of the prosecution is that due to the earlier dispute occurred, one month prior to the occurrence with regard to the fencing of land, on 24.08.2024, the defacto complainant tried to fencing her land and on knowing the same, the petitioners joined together, scolded the defacto complainant in filthy language, attacked her and her husband with hands and legs and pulled her tuft and A2 scolded her. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that they have not committed any offence as alleged by the defacto complainant and they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners. He further submitted that the case has been registered against the petitioners under Sections 296(b), 115(2),



Crl. O.P. No.21713 of 2024

351(2) and 74 of B.N.S. 2023 read with Section 4 of Tamil Nadu

Prohibition of Women Harassment Act and Section 74 of B.N.S. was omitted to be mentioned in the petition filed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that there is dispute between the parties with regard to fencing of land and due to which, the petitioner along with other accused, abused the defacto complainant, attacked her family using hands and legs and also pulled her tuft, hence the defacto complainant has lodged complaint against them. He objected for the grant of anticipatory bail. Further he submitted that injured was discharged from the hospital, that there is no previous case against the petitioners and A2 was already released on bail.

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 petitioners, the fact that there is dispute between the parties with respect to fencing of land, that injured



CrI. O.P. No.21713 of 2024

person was discharged from the hospital, co-accused was released on bail and that no previous case is pending against the 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 **District Munsif-cum-Judicial Magistrate Court, Vaniyambadi** 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 at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[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



Crl. O.P. No.21713 of 2024

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.

05.09.2024

mjs

P.DHANABAL,J
mjs

To

- 1.The District Munsif-cum-Judicial Magistrate Court, Vaniyambadi
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Vaniyambadi Taluk Police Station, Thirupathur District.



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