



Crl. O.P. No.22172 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused who apprehend arrest in the hands of the respondent police for the offences punishable under Section 451 of IPC and Section 3 of TNPPDL Act in connection with the Cr. No.393 of 2023 , seeks anticipatory bail.

2. The case of the prosecution is that on 20.10.2023, the accused persons trespassed into the house of the defacto complainant and damaged the house hold articles worth about Rs.80,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that there was a long standing enmity prevailing between the 1st petitioner's husband and the defacto complainant's husband, that on 02.10.2023 at about 6.30 p.m., the husband of the defacto complainant and 5 others holding lethal weapons like patta knives and indiscriminately assaulted the husband of the 1st petitioner, which resulted in death of the 1st petitioner's husband, that due to the vengeance, this false complaint has been given by the defacto complainant, that FIR was registered on



Crl. O.P. No.22172 of 2024

25.10.2023 based on the complaint given on 20.10.2023, that the delay in registering the FIR shows that the respondent police have intentionally indulged these petitioners in this case, that these petitioners are innocent persons and 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 submit that due to previous enmity, these petitioners had trespassed into the house of the defacto complainant and damaged the household articles to the worth about Rs.80,000/-. Hence he strongly objected for the grant of anticipatory bail to the petitioners. However, he admitted that there is no mention about the description of properties alleged to have damaged by 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 these petitioners, that already there was a previous enmity between the parties, that in the observation mahazar, there is no mention about the properties alleged to have damaged by the



Crl. O.P. No.22172 of 2024

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 **learned Judicial Magistrate No.II, Ponneri** 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 everyday at 10.00 a.m. until further orders.

[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



Crl. O.P. No.22172 of 2024

trial.

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[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.

11.09.2024

mjs

To

- 1.The Judicial Magistrate No.II, Ponneri
- 2.The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, M7 Manali New Town Police Station, Avadi Commissionarate, Tiruvallur District.

P.DHANABAL,J
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Crl. O.P. No.22172 of 2024

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11.09.2024