



Crl.OP.No. 22194 of 2024

P. DHANABAL, J

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The petitioners who apprehends arrested at the hands of the respondent police for the alleged offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS Act, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002 @ 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 190(2) of BNS Act, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No. 118 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that there was property dispute between the petitioners and the de-facto complainant. Subsequently, the petitioners along with others had assaulted the de-facto complainant, his wife and brother-in-law by stones and abused in filthy language. Due to the impact, the de-facto complainant got injured. Hence the respondent police registered a case against the petitioners.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and no previous case is pending against them. He further submitted that the petitioners are ready and willing to abide any stringent conditions may be imposed by this Court. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there was property dispute between the petitioners and the de-facto complainant. Subsequently, the petitioners along with others had assaulted the de-facto complainant, his wife and brother-in-law by stones and abused in filthy language. He further submitted that the injured persons had been discharged from the hospital and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned Counsel on either side, considering the nature of offences, the injured persons had been discharged from the hospital, there is no previous case pending against the



petitioners, and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate Court, Pennagaram, Dharmapuri District***, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:-

[a] the petitioners and the sureties shall affix their photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police on every Saturday at 10.00 am for a period of four weeks.



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[c] 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 or tamper with the evidence.

[d] the petitioners shall not leave India without the prior permission of the Court.

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 petitioner is released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS;

10.09.2024

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