



Crl.O.P.No.24257 of 2024

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WEB COPY **P.DHANABAL, J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 75(2) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.235 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that, the accused persons and the defacto complainant are residing in the same locality. She got separation from her husband and residing in her mother's house. While so, the 1st accused person has given sexual harassment to her and in this regard, on 10.09.2024 the accused persons who are related to each other came to the occurrence place and picked up a quarrel and attacked the defacto complainant and scolded her in filthy language and threatened her with dire consequences. Hence this case.

3. The learned counsel for the petitioners would contend that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant lodged a complaint stating that, the accused persons and the defacto complainant are residing in the same locality. She got separation from her husband and residing in her mother's house. While so, the 1st accused person has given sexual harassment to her and in this regard, on 10.09.2024 the accused persons who are related to each other came to the occurrence place and picked up a quarrel and attacked the defacto complainant and scolded her in filthy language and threatened her with dire consequences and no previous case is pending against the petitioners and the injured was discharged from the hospital and the co-accused released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, the nature of allegation and considering the fact that no previous case pending against the petitioners and the injured was discharged from the hospital and the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on



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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, Panruti, Cuddalore District* 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 daily at 10.00 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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