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CrI.O.P.No26114 of 2024

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P.DHANABAL,J.

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 296(b), 118(2) and 353(3) of BNS in Crime No.109 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that there was dispute between the petitioner's family and defacto complainant's family regarding property dispute. Due to the instigation of the petitioner, One Rajesh along with others had assaulted the defacto complainant and his wife with iron rod and caused injuries and also threatened them with dire consequence. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. He further states that the defacto complainant is none other than the brother of the petitioner and there was proper dispute already existing between them, due to which, the defacto complainant was



CrI.O.P.No26114 of 2024

unnecessarily caused nuisance to the petitioner and her property which causes mental agony to the petitioner. He further submits that the petitioner is a Widow and she is living with her mentally retarder son who is needed every second attention. He also submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that there was a property dispute between the brother and sister. He admits that the injured had discharged from the hospital. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Considering the nature of offence, the injured had discharged from the hospital and there is no previous cases against the petitioner and also



CrI.O.P.No26114 of 2024

the fact that there was a property dispute between the parties and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court-I, Alandur** on condition that the petitioner 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 petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks.

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

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



CrI.O.P.No26114 of 2024

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 269 B.N.S.

25.10.2024

Vv



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