



Crl.O.P.No.26323 of 2024

Crl.O.P.No.26323 of 2024

WEB COPY

P.DHANABAL,J.

The petitioners/accused who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 191(2), 191(3), 296(b), 131, 329(4), 303(2), 351(3) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Section 3 of Tamilnadu Public Nyaya Sanhita (BNS), 2023 and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.579 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that there was previous motive between the defacto complainant's husband and the 1st accused in respect of upcoming local body election. On 23.09.2023 at morning hours, the second accused asked the defacto complainant's worker namely Kannadasan to get Rs.2000/- from his owner for Vinayagar Sathurthi. At 07.30 p.m., the 1st and 2nd accused came in front of the defacto complainant's house and demanded money. The 1st accused assaulted the defacto complainant's husband with wooden log. Thereafter, all the accused went to the defacto complainant



CrI.O.P.No.26323 of 2024

WEB COPY

husband's Farm House with weapons and damaged the door, properties and trees in the house worth about Rs.4,00,000/- and also looted the dresses and silver chain worth about Rs.50,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that due to previous enmity with the defacto complainant's husband, she has lodged a false complaint against the petitioners. He further submits that the defacto complainant's husband has been misbehaved before the women and also threatened them with Aruval and also abused them with filthy language by using their caste name and they have also lodged a complaint on 23.09.2023 and the respondent police registered the case in Cr.No.575 of 2024 for the offence under Section 296(3), 75(3), 351(3) of BNS, Section 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2) (va) of SC/ST Act, Section 3 of TNPPDL Act, Section 4 of TNWH and Section 25(1A) of Arms Act. He also submits that they are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.



CrI.O.P.No.26323 of 2024

WEB COPY

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that the the petitioners had assaulted the defacto complainant's husband and damaged the properties and trees in their farm house and also looted dresses and silver chain. It is a case and counter case. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

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

6. Considering the nature of offence and A1 and A2 had already been arrested and released on bail and it is case and counter case and also the fact that there is no previous case against the petitioners and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CrI.O.P.No.26323 of 2024

WEB COPY

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-I, Mannagudi** on condition that each of the petitioners shall execute separate bonds 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 every day at 10.30 a.m., until further orders.

[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



Crl.O.P.No.26323 of 2024

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 269 B.N.S.

24.10.2024

Vv



WEB COPY



Crl.O.P.No.26323 of 2024

P.DHANABAL, J.

Vv

Crl.O.P.No.26323 of 2024

24.10.2024