



Crl.O.P.No.26510 of 2024

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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), 325(4), 329(3), 118(1), 351(3) of BNS and under Section 4 of Tamilnadu Prohibition of Women Harassment Act in Crime No.837 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is residing at Valasaravakkam with her husband, on 14.10.2024 when she was being at her mother home, the first petitioner named Pushparaj went to the defacto complainant's home and misbehaved with her and threatened her. On the same day, the defacto complainant called the petitioner's wife and narrated about the threat made by her husband, but the petitioner's wife also threatened her and asked her to obey her husband's demands. Thereafter, the petitioners went to the defacto complainant's house and abused her and her mother in filthy language, threatened them, assaulted them and caused injuries to them.



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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 the first petitioner had a joint venture agreement on the name of the defacto complainant and entrusted her and running a business successfully, Later, the the first petitioner came to know that the defacto complainant had misappropriated the business money worth about Rs.30,00,000/- without the first petitioner's knowledge nor a consent. When the first petitioner asked about the misappropriation done by her, she had lodged a false complaint against the first petitioner and his family members. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that due to misbehaviour activity of the first petitioner with the defacto complainant, there was a dispute between the family members and caused injuries to her and her mother. He admits that the injured had discharged from the hospital. However, he vehemently opposed



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for the grant of anticipatory bail to the petitioner.

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

6. Considering the nature of offence, the injured had already been discharged from the hospital and also the fact that there is no previous case against the petitioners and there is a dispute between the family members and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 ***District Munsif-Cum-Judicial Magistrate, Madhavaram*** 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:



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[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks.

[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 269 B.N.S.

24.10.2024

Vv



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