



CrI.O.P.No26726 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 115(2), 126(2), 296(b) of BNS and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.492 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was coming down from the first floor, the petitioner blocked her way by hand and she had flicked off his hand, then he delivered filthy language against her then her brother came and prevent her. When her brother and grandmother had questioned him, the petitioner has attempted to assault him, he has also kicked off her grandmother and caused injuries to her grandmother. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as



CrI.O.P.No26726 of 2024

alleged by the prosecution. He further submits it is case and case in counter.

He has also given a complaint against the defacto complainant and he had also sustained injuries in that attempt. He further 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 the there was a wordy quarrel between the petitioner and the defacto complainant regarding way given to the defacto complainant, due to which, the petitioner abused and attacked the defacto complainant and her family members and caused injuries. He admits that the injured had already been discharged from the hospital. He further states that it is a case and case in counter. However, 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.



CrI.O.P.No26726 of 2024

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6. Considering the nature of offence, the injured had already been discharged from the hospital and the dispute between the parties with regard to the pathway and also the fact that it is case and case in counter 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **XVII Metropolitan Magistrate, Saidapet, Chennai** 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



CrI.O.P.No26726 of 2024

during investigation or trial.

[c] the petitioner 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 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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Crl.O.P.No26726 of 2024

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Crl.O.P.No.26726 of 2024

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