



Crl.O.P.No.27110 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 308(2), 115(2) and 351(3) of BNS, 2023, r/w Section 4 of TNPHW Act, in Crime No.376 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter, Priya was conducting a monthly chit from the year 2019 and A1 is one of the subscriber in the said chit and even after paying the entire monthly subscription, the defacto complainant's daughter had not paid the chit amount and when A1 demanded the money, she threatened them and refused to pay the amount. Thereafter, the petitioners along with the other accused, abused the defacto complainant's daughter in filthy language and she had consumed poison and she was taken to hospital and subsequently, after treatment, she was discharged from the hospital. Hence, the case.

4.The learned counsel for the petitioners would submit that the



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petitioners are innocent and they have been falsely implicated in this case.

He would further submit that the defacto complainant has cheated the friend of the petitioners and several other persons and when it was questioned by the petitioners, she has projected as if she was driven to the extent of committing suicide and thereby she has given a false complaint. He would further submit that there is no previous case against the petitioners and A1 and A2 were arrested and released on bail. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) would submit that due to a dispute in respect of payment of chit amount, the petitioners abused the defacto complainant's daughter in filthy language and threatened her with dire consequences, due to which she consumed poison. He would further submit that there is no previous case against the petitioners and co-accused, namely A1 and A2 were arrested and released on bail by the Court below. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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6.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case and the submission that the petitioners have no bad antecedents and also prime accused were already arrested and released on bail, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the ***Judicial Magistrate, Katpadi, Vellore District***, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police daily at



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10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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