



Crl.O.P.No.27821 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 351(2) of BNS, 2023 read with Section 4 of TN Prohibition of Harassment of Women Act in Crime No.604 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Pothiammal, due to property dispute, the petitioner abused her with filthy language and assaulted her and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant



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of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) would submit that there is a property dispute between the petitioner and the de facto complainant and the petitioner assaulted the de facto complainant thereby, caused injuries. He further submitted that the injured has been discharged from the hospital and there are no previous cases pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of this case that there is a property dispute between the petitioner and the de facto complainant and there are no previous cases are pending as against the petitioner, this Court is inclined to grant anticipatory bail to the



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petitioner with certain conditions.

7. Accordingly, the petitioner is 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 No.1, Madurantakam**, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the Petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] **the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;**



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

[d] the Petitioner 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 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]**;

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

07.11.2024

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