



Crl.O.P.No.27941 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.743 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the family members, due to which, the petitioners abused the defacto complainant in filthy language and assaulted him with hands. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is the matrimonial dispute between the husband and wife during which the incident had happened. He would further submit that the family members are taking steps to compromise the matter. He would further submit that the injured has been discharged from the hospital and that there is no previous case against the petitioners. He would



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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.

4.The learned Government Advocate (Crl. Side) would submit that due to a family dispute between the family members, the petitioners abused the defacto complainant in filthy language and assaulted him hands, due to which the defacto complainant sustained injuries. He would further submit that the injured has been treated as outpatient and has been discharged from the hospital. He would further submit that the petitioners have no previous cases against them. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Mr.B.Thiyagarajan, learned counsel appearing for the defacto complainant would submit that he is going to file an intervening petition and reiterate the case of the prosecution.

6.Heard the learned counsel on either side and perused the materials available on record.

7.Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and that no previous



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case is pending against the petitioners and the fact that the injured has been discharged from the hospital, this Court is 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 **Metropolitan Magistrate No.X, Egmore, Chennai**, 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 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**



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of Kerala [(2005)AIR SCW 5560];

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

08.11.2024

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