



Crl.O.P.No.28059 of 2024

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SUNDER MOHAN, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 115(2), 351(3) of BNS, 2023, and Section 4 of TNPHW Act, 2002, in Crime No.529 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours and there was a quarrel between them with regard to dumping of garbage in front of a church, which was questioned by the petitioner and that the petitioner therefore attacked the defacto complainant with hands. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner also lodged a complaint against the defacto complainant and the same was also registered in Crime No.528 of 2024 and in order to counter that, the present complaint has been lodged by the defacto complainant and that in any case, there are no injuries sustained by the defacto complainant and custodial interrogation of the petitioner is not required for the purpose of



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investigation.

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4.The learned Government Advocate (Crl. Side) for the respondent confirms that on the complaint given by the petitioner a case in Crime No.528 of 2024 has been registered and the case is investigated as case and counter by the respondents and that the defacto complainant sustained minor injuries. However, he opposed for grant of anticipatory bail.

5.Heard the learned counsel on either side and perused the materials.

6.Considering that it is a case of case and counter and that the injury sustained by the defacto complainant is minor in nature and the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate 0 I, Chengalpattu**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a



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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:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.

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