



Crl.O.P.No.28415 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 82(2), 115(2), 118(1), 296(b) and 351(2) of BNS, r/w Section 4 of TNPHW Act, 2002, in Crime No.323 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police alleging that in the year 2016, she married one Manikandan (A1) and having two children, in the situation, during the year 2023, she came to know that her husband married another woman (A2) and subsequently, her husband took 10 sovereigns of gold from the defacto complainant and left the house. While so, on 31.10.2024, when the defacto complainant met the petitioners who are second wife, mother and sister of A1, they had picked quarrel with her and assaulted her. 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 due to matrimonial dispute, a false complaint has been given. 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.

4.The learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, would submit that due to family dispute, the petitioners along with A1 abused the defacto complainant in filthy language and assaulted her. He would further submit that there is no previous case pending against the petitioners.

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

6.Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side, no previous case is pending against the petitioners, 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 **Judicial Magistrate, Cheyyar**, 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., for a period of one week and thereafter, as and when required for interrogation.

[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.

20.11.2024

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