



**Crl.O.P.No.28727 of 2024**

**A.D.JAGADISH CHANDIRA, J.**

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS Act r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.653 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Karthick, lodged a complaint against the petitioners, stating that he and the petitioners are residing in the same area, the petitioners are breeding pigs near Coovam river and they were grazing near the residence of defacto complainant, due to which, he fall sick, thereby he warned the co-accused. While so, the petitioners along with other accused abused and attacked the defacto complainant, further, they also attacked the defacto complainant's wife and brother, when they tried to protect the defacto complainant, thereby the defacto complainant sustained simple injuries. Hence, this case.

3. Learned counsel appearing for petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the



prosecution and they have been falsely implicated in this case. He would further submit that the defacto complainant and the petitioners are residing at same street, and without any reason, the defacto complainant used to pickup quarrel with the petitioners and others, when the same was questioned, the defacto complainant, his wife and brother, picked up quarrel with the petitioners and attacked the first and the second petitioners. He would further submit that the petitioners also lodged a complaint against the defacto complainant, but, the defacto complainant had lodged this false complaint, as if the petitioners attacked the defacto complainant. He further submitted that the petitioners are ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners, stating that the petitioners along with co-accused had abused and assaulted the defacto complainant, his wife and brother using hands, on account of previous enmity between them related to grazing of pigs by the petitioners near the residence of the defacto complainant, thereby, the defacto complainant sustained simple injuries.



5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before **the learned V Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank



pass Book to ensure their identity.

**[b] the petitioners shall report before the respondent police everyday at 6:30 p.m., for a period of two weeks and thereafter, every Saturday 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

**18.11.2024**

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