



Crl.O.P.No.28733 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), 115(2), 351(2) of BNS Act r/w Section 4 of Tamil Nadu Prohibition of Women harassment Act in Crime No.749 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein abused the defacto complainant using filthy language, attacked the defacto complainant with hands, thereby, the defacto complainant sustained simple injuries and also intimidated with dire consequences. 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's brother Govindaraj dashed the bike of the second petitioner, while questioning the same, there aroused a wordy quarrel and both parties exchanged blows. He would also submit that a case in counter was also registered by the respondent and the co-accused/



Accused No.3 was arrested and released on bail. 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 had abused and assaulted the defacto complainant with hands, thereby, she sustained simple injuries. He further submitted that there is no previous case registered against these petitioners.

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 and also taking note of the fact that there is no previous case as against these petitioners, 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 Judicial Magistrate Court-I, Udumalpet** 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 10:30 a.m., for a period of one week and thereafter, every alternate Saturdays 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.



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[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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