



Crl.O.P.No.29887 of 2024

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SUNDER MOHAN, J.

The petitioners/Accused No.1 to 4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 296(6), 115(2), 118(i) and 351(3) of BNS, 2023 r/w Section 4 of Tamil Nadu prohibition of Harassment of Women Act, in Crime No.347 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant family are close relatives to each other and on account of a property dispute, on 24.11.2024, the petitioners are said to have attacked the defacto complainant, his parents and his family members with stone. Hence the case.

3. Learned counsel for the petitioners would submit that the it is a case and case in counter and the petitioners have been falsely implicated in this case. He would further submit that the 3rd petitioner had also lodged a complaint against the defacto complainant and the family members of the defacto complainant in Crime No.348 of 2024 under Sections 296(b). 115(2), 118(i), 351(3) of BNS, 2023 read with Section 4



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of Tamil Nadu Prohibition of Harassment of Women Act. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) for the respondent Police, on instructions, would submit that the petitioners had attacked the defacto complainant and his family members with stone, due to which, the injured persons were admitted in the hospital and treated as inpatients. He would further submit that it is case and case in counter. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the above facts, the nature of allegations against the petitioners and also taking note of the fact that



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custodial interrogation of the petitioners is not required, 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, Thirukazhukundram** on condition that the petitioner 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.

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[b] the petitioners shall report before the respondent police everyday 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 of B.N.S.

29.11.2024

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