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Crl.O.P.No.30059 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30059 of 2024

S.Jeyachandran

.... Petitioner

Vs

The State, Rep by
The Inspector of Police,
J10, Semmanchery Police Station,
Chengalpet District.
Crime No.459 of 2024

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of
Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the
petitioner on bail in the event of his arrest in connection with Crime No.
459 of 2024 pending on the file of the respondent police.

For Petitioner	:	Mr.S.Anburaja
For Respondent	:	Mr.S.Santhosh
		Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.459 of 2024
registered for the offences punishable under Sections 126, 115 of BNS
and Section 4 of Tamil Nadu Prohibition of Women's Harassment Act,
the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution, as per the defacto complainant Mala, is that on 30.10.2024, while her son was walking their pet dog, the petitioner, who is the president of the association, quarreled with him and assaulted him. When the defacto complainant attempted to take videographed the same, the accused snatched the cell phone from her hand and assaulted her. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is the President of the association and the association has decided not to allow the pet dogs inside the complex. Since the petitioner questioned the same, a false complaint has been given by the defacto complainant, as if the petitioner attempted to assault her son. He would submit that there is rivalry between the association and the defacto complainant, who claims to be a member of a rival association, has lodged a false complaint. This dispute was resolved by the order of the IG of Registration and it has also been confirmed by this Court.



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4. Mr.D.Gently Rathnaraj, learned intervenor appearing for the defacto complainant would submit that while the defacto complainant's son was walking with their pet dog, the petitioner, who is the president of the association, quarreled with him and assaulted him. When the defacto complainant attempted to videograph the same, the accused snatched the cell phone from her hand and assaulted her. He further submits that the issue arises from a dispute between the members of the association. He further submits that the petitioner is an ex-service man.

5. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioner assaulted the son of the defacto complainant. When the defacto complainant attempted to take videograph of the same, the petitioner had snatched the mobile phone from her and also verbally abused the defacto complainant. He further submits that there are no previous cases pending against the petitioner.

6. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and



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perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sholinganallur, Chengalpet District, on condition that the petitioner shall execute a 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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



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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 of BNS.

09.12.2024

Index : Yes/No
Internet : Yes/No
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To

The Inspector of Police,
J10, Semmanchery Police Station,
Chengalpet District.

2.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J,



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