



CrI.O.P.No.30517 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.267 of 2024 registered for the offences punishable under Sections 189 (2), 296 (b), 118(1), 115 (2), 126 (2), 351 (2) of Bharatiya Nyaya Sanhita (BNS) - 2023 r/w section 4 of TN Prohibition of Harassment of Women Act 2002, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case. He also submits that the present complaint has been lodged as a counter complaint. He also submits that the petitioners have no previous case against them. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.



3.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, on 19.09.2024, the defacto complainant sister's son, namely Bayas is an accused in connection to the complaint given by the first petitioner's sister (A1) under POCSO Act, whereof the said Bayas was enlarged on bail. While so on 18.09.2024, the relatives of the victim approached the accused family and abused, assaulted and also issued life threat to the defacto complainant. He further submitted that they have no previous case pending against them.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and 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 Metropolitan Magistrate - II, Egmore, Chennai on condition that the petitioners shall execute a bond each 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners 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 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 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];

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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