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CrI.O.P.No.30549 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.30549 of 2024

A.Suresh

.... Petitioner

Vs

State by
The Inspector of Police,
Pennalurpet Police Station,
Thiruvallur District.
(Crime No.298 of 2024)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.298 of 2024 on the file of the respondent.

For Petitioner : Mr.SC.Pratheep Ashok Kumar

For Respondent : Mr.Santhosh
Government Advocate (CrI.Side)

ORDER

Apprehending arrest in connection with Crime No.298 of 2024 registered for the offences punishable under Sections 296(b), 115, 118, 351(2) of BNS r/w 4 of TNPHW Act, the present petition has been filed by the



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petitioner seeking anticipatory bail.

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2. 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 married the daughter of the defacto complainant and they have two children. Due to difference of opinion, they got separated and the daughter of the defacto complainant along with children, resides in the house of the defacto complainant. On the date of occurrence, the petitioner is alleged to have trespassed into the house of the defacto complainant, assaulted the defacto complainant and his daughter and threatened them with dire consequences. Hence, a false case has been foisted as against the petitioner. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that due to matrimonial dispute, the petitioner trespassed in to the house of the defacto complainant and assaulted both the defacto complainant and her daughter. He would submit that there are three previous cases pending against the petitioner.



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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 District Munsif-cum-Judicial Magistrate, Uthukottai, 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 everyday 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



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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 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

1.The Inspector of Police,
Pennalurpet Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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