



WEB COPY



CrI.O.P.No.30587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.30587 of 2024

1. Selvarasu

2. Suresh

3. Natesan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.312 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.312 of 2024, on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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



ORDER

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Apprehending arrest in connection with Crime No.312 of 2024 registered for the offences punishable under Sections 296 (b), 115(2), 118 (1) & 351 (3) of BNS, 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 due to property dispute, a false complaint has been lodged. He would further submit that the petitioners are innocent and they have been unnecessarily implicated in this case. He also submits that the petitioners have no previous case against them. He also 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, is that due to property dispute, there arose a wordy quarrel between the petitioners and the defacto complainant. As a result of which, the petitioners attacked the defacto complainant with iron rod and caused injuries to him. He further submits that the injured has been discharged from the hospital. He also submits that there is no previous cases pending against the petitioners.

4.Having heard the learned counsel for the petitioners 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 petitioners with certain conditions and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Namakkal 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:



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[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 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 absconds, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.

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