



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30900 of 2024

Elaiyaraja

Petitioner(s)

Vs

State rep. by

The Inspector of Police,

AWPS, Kallakurichi,

Kallakurichi District.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of BNSS Act, pleaded to enlarge the petitioner on bail in the event of his arrest in Crime No.35 of 2024 on the file of the Inspector of Police, AWPS, Kallakurichi, Kallakurichi District.

For Petitioner(s):

Elango. G

For Respondent(s):

S.Santhosh

Government Advocate (Crl. Side)

ORDER



offences punishable under Sections 82(1), 351(2) and 316(2) of B.N.S. Act.



present petition has been filed seeking anticipatory bail.

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2.The case of the prosecution is that as per the defacto complainant, the accused is the husband of the defacto complainant, he developed illicit intimacy with the other accused. 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. He would submit that due to matrimonial dispute false complaint has been filed. He would further submit that he is ready to abide by any stringent condition that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the accused is the husband of the defacto complainant, he developed illicit intimacy with the other accused. Hence, the defacto complainant lodged the complaint before the respondent Police.

<https://www.mhc.tn.gov.in/judis> 5.Having heard the learned counsel for the petitioner, and the learned Government

Advocate (Criminal 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.



6. 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 on which the order copy made ready, before the learned Judicial Magistrate No.2, Kallakurichi, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day 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 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 abscond, a fresh FIR can be registered under Section Section 269 of B.N.S.

11-12-2024

A.D.JAGADISH CHANDIRA, J.

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To

1.Judicial Magistrate No.2, Kallakurichi.

<https://www.hcourt.gov.in/judis>

2.The Inspector of Police,

AWPS, Kallakurichi,



Kallakurichi District.



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