



Crl.O.P.No.31046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31046 of 2024

S.Muthusamy

Petitioner(s)

Vs

State Represented By, The Inspector Of Police,
Moolanur Police Station, Tiruppur District. In
Cr.No.402/2024

Respondent(s)

For Petitioner(s):

M.Rajasekar
P.Kalimuthu
N.Gokila

For Respondent(s):

Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No.402 of 2024 registered for the offences punishable under Sections 296(b), 115(2) and 118(1) of BNS, the present petition has been filed by the petitioner seeking anticipatory bail.



2. 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 there was a property dispute between the petitioner and the defacto complainant and also that there is also a case registered as against the defacto complainant. 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the agricultural lands of the petitioner and the defacto complainant are separated by a 6 foot wide path. While so, on 04.12.2024, at around 15.30 hrs, the petitioner trespassed into the land of the defacto complainant and threatened her, demanding that she should not use the pathway and there arose a wordy quarrel between them resulting in a scuffle. He would further submit that there is a case in counter and that there are no previous cases against the petitioner herein.



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, and also considering that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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, Dharapuram**, 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 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks



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and thereafter, 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 269 B.N.S.

12.12.2024

Anu

To

1.The Judicial Magistrate, Dharapuram

2. The Inspector Of Police,
Moolanur Police Station, Tiruppur District

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A.D.JAGADISH CHANDIRA, J.

Anu

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