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Crl.O.P.No.31408 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31408 of 2024

T Kumar
Son of Thyagarajan No.10 D, BBCL Vajra
Apartments, 10thFloor. Ambattur Industrial Estate,
Nolambur, Chennai.600 095. and another

Petitioner(s)

Vs

State, Inspector Of Police,
V 7 Nolambur Police Station Chennai. (Cr. No. 469
of 2024)

Respondent(s)

For Petitioner(s): M Rajavelu
S. Samson
S.Sarala
K.Dinesh

For Respondent(s): Public Prosecutor

For Intervener : Mr. Anand

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 115(2), 118(1), 356(2) and 351(2) of BNS in Crime No.469 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution as per the defacto complainant is that, the petitioners herein and the defacto complainant reside in the same apartments "Vajra Apartments" and on 06.12.2024, the first petitioner herein based on the instigation of the second petitioner, posted a message in a Whatsapp group, defaming the defacto complainant. It is also stated that on 07.12.2024, there arose wordy quarrel between the first petitioner and the defacto complainant, thereby, the first petitioner pushed the defacto complainant and attempted to kill him. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the defacto complainant, further, the first petitioner is an Industrialist and the second petitioner is a retired Joint Director of Industrial Safety and Health, Government of Tamil Nadu. He would further submit that the defacto complainant had formed an unregistered association and collecting maintenance amount from the residents of the said apartments and also an additional sum of Rs.1,000/- is also collected as a registration fees. He also submitted that already the said apartments has a registered association, but the defacto complainant started an unregistered association and committed financial frauds and misappropriation, hence, the petitioners questioned the same and lodged a police complaint, due to which wordy quarrel arose and a false complaint has



been lodged against the petitioners. He also submitted that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioners, stating that, due to previous enmity with respect to apartment association, the first petitioner, based on the instigation of the second petitioner, had put a message in the said apartment's whatsapp group, defaming the defacto complainant, thereby wordy quarrel arose between the parties, due to which, the first petitioner attacked the defacto complainant and threatened him with dire consequences. He also submitted that the petitioners have no previous case and the investigation is still pending.

5. Learned counsel appearing for the intervener raised strong objections for granting of anticipatory bail to the petitioners, by stating that the petitioners have colluded and put a message in the BBCL Vajra Whatsapp group, in order to defame the defacto complainant, further the first petitioner attacked and assaulted the defacto complainant, therefore, he prays to dismiss the anticipatory bail application of the petitioners.



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6. Heard the learned counsel for the petitioners. the learned counsel appearing for the intervener and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

7. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 on which the order copy made ready, before **the Judicial Magistrate Court, Ambattur** on condition that the petitioners shall execute a separate 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter, 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].

A.D. JAGADISH CHANDIRA, J.

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.



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To

1. State, Inspector Of Police,
V 7 Nolambur Police Station
Chennai.
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