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CrI.O.P.No.31240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31240 of 2024

1. S Arputharaj
2. A.Thagirabanu
3. A.Thasirima

Petitioner(s)

Vs

State Rep.By
The Inspector of Police, D-1, Triplicane Police station,
Chepak, Chennai-600 005. (Crime No.518 of 2024)

Respondent(s)

For Petitioner(s):

Jeeva S
M.Mohamed Nazar
S. Palani

For Respondent(s):

Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No.518 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1) & 351(3) of BNS, the present petition has been filed by the petitioners seeking anticipatory bail.



2. Pleading innocence on the part of the petitioners, false implication

in the case, learned counsel for the petitioners seek indulgence of this Court.

He submits that the petitioners are only the father in law, mother in law and wife of A1 and there is no specific overt act against them. He would submit that a counter case registered against the defacto complainant and that an enquiry has been conducted on the counter complaint. He would also submit that the first petitioner was assaulted by the counter parties and he was hospitalized and discharged only two days ago. He would submit that they are 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 due to previous enmity, the petitioners waylaid the defacto complainant, abused, assaulted him and also threatened him with dire consequences. He would submit that there are no previous cases against the petitioners. He would also submit that there is also a counter case registered as against the defacto complainant and that the injured has been



discharged from the hospital.

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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 and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 **II Metropolitan Magistrate Court, Egmore**, on condition that the petitioner shall execute 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 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 II Metropolitan Magistrate, Egmore on all working days at 10.30 a.m for a period of two weeks. It is made clear that the petitioners shall not enter into the jurisdictional limit of the respondent police station for a period of two weeks.

[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 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.

16.12.2024

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To

1. The II Metropolitan Magistrate Court, Egmore
2. The Inspector of Police, D-1, Triplicane Police station, Chepak, Chennai-600 005.



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A.D.JAGADISH CHANDIRA, J.

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