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Crl.O.P.No.31399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31399 of 2024

Valarmathi
W/o. Murugan and another

Petitioner(s)

Vs

State Rep.By
The Inspector Of Police, R-7, Kk Nagar Police
Station, Chennai. Cr.No.234 Of 2024.

Respondent(s)

For Petitioner(s):

Vinoth Kumar A
R. Vinoth Kumar
C.Gokul
N.Selvakumar
R. Baskaran

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 329(4), 115(2), 124(2) and 351(3) of BNS in Crime No.234 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is



that, she got married and has two children, due to difference of opinion, she left her husband and living separately. It is also stated that she was in an affair with one Senthil, who is the son of the first petitioner and brother of the second petitioner, thereby, the petitioner along with A1 came to the house of the defacto complainant, abused and thrown bathroom cleaning acid substances on the floor, thereby the defacto complainant and her friend sustained injuries. Further, the defacto complainant was also threatened by A1 and the petitioners herein with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and they have not committed any offence and falsely implicated in this case. He further submitted that the defacto complainant complainant is a married woman with children and without getting divorce from her husband, having illegal relationship with the first petitioner's son, when the same was questioned by the petitioners and A1/ Karthick, who is the other son of the first petitioner, a false complaint has been lodged. He also submitted that A1 was arrested and enlarged on bail by this Court vide order dated 21.11.2024 in Crl.O.P.No.29025 of 2024. He also submitted that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the



petitioners.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioners, stating that the petitioners along with other accused abused and assaulted the defacto complainant, due to previous enmity. He further submitted that the petitioners and A1 had trespassed into the defacto complainant's house and thrown bathroom cleaning acid on the floor, during a quarrel with the defacto complainant, thereby the defacto complainant and her friend had sustained minor injuries. He further submitted that there is no previous case as against the petitioners.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering that the co-accused was granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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7. 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 learned XXIII Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioner 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 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, as and when required for interrogation.

[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.



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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

17.12.2024

stn

To

1. State Rep.By
The Inspector Of Police,
R-7, Kk Nagar Police Station,
Chennai.
Cr.No.234 Of 2024.

A.D. JAGADISH CHANDIRA, J.

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