



WEB COPY



CRL OP NO. 31385 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. 31385 of 2024

Kumar

S/o.Iyyasamy, and 2 Others

Petitioner(s)

Vs

State Rep. By The Inspector Of Police,
Vellore South Police Station,

Vellore, Vellore District.

(crime No.424 Of 2024)

Respondent(s)

Criminal Original Petition filed u/s. 482 of BNSS, 2023 praying to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police in Crime No. 424 of 2024 on the file of the respondent police.

For Petitioner(s): Mr. Vinodh Kumar

For Respondent(s): Mr.S.Santhosh
Government Advocate, Criminal Side

ORDER

Apprehending arrest in connection with Crime No.424 of 2024 registered for the offences punishable under Sections 296(b), 115(2),



WEB COPY

118(1), 351(1) of BNS r/w Sec.4 of Tamil Nadu Prohibition of Harassment of Women Acct, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that there was wordy quarrel between the petitioners and the de-facto complainant. The petitioners have assaulted the de-facto complainant, used filthy language and threatened him with dire consequences. Hence the complaint.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are innocent and false complaint has been given by the de-facto complainant. He would submit that the petitioners have no previous case pending against them and they are ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police,



WEB COPY

opposing for grant of bail, is that there was wordy quarrel between the petitioners and the de-facto complainant. He would further submit that the injured has been discharged from the hospital. He further submits that no previous cases are pending against the petitioners.

5. 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, 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 **Judicial Magistrate No.I, Vellore**, on condition that the petitioners 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 said Magistrate, on further condition that:



[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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



WEB COPY



by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala
[(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can
be registered under Section 269 of BNS.

17-12-2024

To

1. State Rep. By The Inspector Of Police,
Vellore South Police Station, Vellore, Vellore District.
(crime No.424 Of 2024)

2.The Public Prosecutor, High Court Madras.



WEB COPY



A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No. 31385 of 2024

17.12.2024