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Crl.O.P.No.31376 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. 31376 of 2024

K Balachandar
S/o, Kumaresan, No.7/3/2, Munusamy Garden 3rd
Lane, Old Washermenpet, Washermenpet, Chennai
District - 600 021 and 2 Others

Petitioner(s)

Vs

The State Rep By, The Inspector Of Police
N-1, Royapuram Police Station, Chennai District.
Crime No. 951 Of 2024.

Respondent(s)

For Petitioner(s): Prakash M
U.Yuvaraj
G.Vasudevan
M.Prakash

For Respondent(s): Public Prosecutor

For Intervener : C. Raghavan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 324(2), 305 and 351(2) of BNS in Crime No.951 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 are brother-in-law and mother-in-law of the defacto complainant and they have trespassed into the defacto complainant's house using duplicate key and stolen 81 grams of gold jewels, computer, certificates and an amount of Rs.40,000/- from the defacto complainant and while questioned the same, they threatened her with dire consequences. 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. He would further submit that due to previous enmity and family dispute between the parties, the defacto complainant had lodged an earlier complaint against one of the son and husband of the second petitioner herein, where, the petitioners herein are left out and in order to harass the petitioners, this false complaint has been lodged by the defacto complainant. 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 anticipatory bail to the petitioners, stating that, the petitioners herein are the brother-in-law and mother-in-law of the defacto complainant and there is a family dispute between the parties. He further submitted that the petitioners have trespassed into the defacto complainant's house using a duplicate key, stolen 81 grams of gold jewels, computer, certificates and an amount of Rs.40,000/-, which belongs to the defacto complainant and her husband, while questioning the same, the petitioners threatened the defacto complainant and further, 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 trespassed into the defacto complainant's house and stolen 81 grams of gold jewels, computer, hard disk, certificates and a sum of Rs.40,000/- and the same have not been recovered yet, therefore, submits custodial interrogation is needed in this case and prays to dismiss the anticipatory bail application.

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 and considering the relationship between the parties, 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 learned XVI Metropolitan Magistrate at George Town** 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



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

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[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. The State Rep By, The Inspector Of Police
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