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Crl.O.P.No.31462 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. 31462 of 2024

VENKATESAN

S/o. Krishnamoorthy, No. 1/342, Vinayagapuram,
Venkatasamudiram Village and Post, Ambur Taluk,
Tirupathur District. and 2 Others

Petitioner(s)

Vs

The State by

The Inspector of Police, Omerabad Police Station,
Tirupathur District. Crime No.840 of 2024.

Respondent(s)

For Petitioner(s):

Thirumoorthy D
D.Rameshkumar

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), 115(2) and 351(3) of BNS, 2023 r/w. PPT Act in Crime No.840 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, due to a property dispute



between the petitioners and the defacto complainant, the petitioners along with other accused abused the defacto complainant using filthy language, manhandled and threatened the defacto complainant with dire consequences. Hence, this case.

3. Learned counsel appearing for petitioners would submit that the petitioners are innocent and have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners and the defacto complainant are family members and due to a property dispute, there arose wordy quarrel, due to which both parties exchanged blows. He also submitted that the petitioners had given a complaint against the defacto complainant and the same has been registered in Crime No.841 of 2024. He would submit that the petitioners are ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for 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 between the parties, the petitioners along with other accused person abused and assaulted the defacto complainant and



threatened him with dire consequences, further damaged the glass of the defacto complainant's vehicle. He also submitted that there is no previous case as against the petitioners and a case in counter has also been registered.

5. Heard the learned counsel for the petitioners, 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 also considering the fact that the petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Judicial Magistrate, Ambur** 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:

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[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 third petitioner shall report before the respondent police everyday at 10:30 a.m., for a period of one week and thereafter, as and when required for interrogation. The first and second petitioners are directed to report before the respondent police everyday at 10:30 a.m., for a period of two weeks and thereafter every first and third 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



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[(2005)AIR SCW 5560].

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[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. The State by
The Inspector of Police,
Omerabad Police Station,
Tirupathur District.
Crime No..840 of 2024.

A.D. JAGADISH CHANDIRA, J.

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