



WEB COPY



Crl.O.P.No.31646 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31646 of 2024

S.Selvakumar

Petitioner(s)

Vs

The State rep. by
The Inspector Of Police
T-16, Semmancherry,
Chennai.
(Crime No. 331 of 2024)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 331 of 2024 pending investigation on the file of the respondent police.

For Petitioner : M/s.V.Vadivalagia Nambi

For Respondent : Mr.S.Santhosh,
Govt. Advocate (Crl. Side)



Crl.O.P.No.31646 of 2024

WEB COPY

ORDER

Apprehending arrest in connection with Crime No.331 of 2024 registered for the offences punishable under Sections 296(b), 115(2), 351(2) of The Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of the Prohibition of Harassment of Women Act, 2002, the present petition has been filed by the petitioner seeking anticipatory bail.

2. The case of prosecution as per the defacto complainant Ms.Shanthi is that when the petitioner's relative viz., Vignesh and his wife have quarrelled with each other in the way of petitioner's house, he tried to solve the issue, however, the accused have attacked him on his face by saying not to involve in their family problem, due to which, he sustained injury and he was hospitalised. For the above dispute, both the petitioner's wife and the defacto complainant lodged complaints individually before the respondent police on 24.09.2024. Hence, a F.I.R. has been registered in Crime No.330 of 2024 for the complaint filed by petitioner's wife and another F.I.R. has been registered in Crime No.331 of 2024 for the complaint made by defacto complainant herein.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He



CrI.O.P.No.31646 of 2024

further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. He would submit that it is a case in counter and a F.I.R. has been registered at the instance of petitioner's wife in Crime No. 330 of 2024 against the defacto complainant.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that when there was a wordy quarrel between the petitioner's relative Vignesh and his wife, he tried to solve the issue, however, the accused have attacked him by saying not to involve in their family problem. He further submits that it is case in counter and based on the complaint given by both the petitioner's wife and defacto complainant, two F.I.R. in Crime Nos. 330 and 331 of 2024 were registered. He further submits that one previous case pending against the petitioner.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the



Crl.O.P.No.31646 of 2024

materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sholinganallur on condition that the petitioner 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] the petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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



WEB COPY



CrI.O.P.No.31646 of 2024

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.

19.12.2024

rpp

To

- 1.Judicial Magistrate,
Sholinganallur.
2. The Inspector Of Police
T-16, Semmancherry,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDRA, J.



WEB COPY



Crl.O.P.No.31646 of 2024

rpp

Crl.O.P.No. 31646 of 2024

19.12.2024