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Crl.O.P.No.31845 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. 31845 of 2024

VENGADESAN

Slo. Mannu, NO 25 CHETTY STREET
TORAPPADI POST VILLUPURAM DISTRICT

Petitioner(s)

Vs

State Rep By, The Sub Inspector Of Police
Melmalayanur Police Station, Villupuram District
(Crime No. 2 Of 2024)

Respondent(s)

For Petitioner(s):

Appaswamee VR
R.Sasikumar
V.Vijayarajan
S.Thiyagarajan
A.Tamilselvan

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(II), 118(I) and 351(III) of BNS in Crime No.2 of 2024, on the file of the respondent police, seeks anticipatory bail.



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

Rajiv Gandhi is that, due to previous enmity, there arose wordy quarrel between the petitioner and the defacto complainant and the petitioner herein had abused and assaulted the defacto complainant, thereby, the defacto complainant sustained injuries. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and he has not committed any offence. He would further submit that the defacto complainant and the petitioner are neighbors and due to previous enmity with regard to property dispute, the defacto complainant had lodged a false complaint against the petitioner. He would further submit that the petitioner is 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 petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that, due to previous enmity between the parties in respect of property dispute, the petitioner had abused and assaulted the defacto complainant, thereby the defacto complainant sustained injuries and subsequently, discharged



from the hospital. He also submitted that the petitioner has no previous case.

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

7. Accordingly, the petitioner 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 on which the order copy made ready, before **the Judicial Magistrate Court, Gingee** 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:



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

20.12.2024



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To

1. State Rep By, The Sub Inspector Of Police
Melmalayanur Police Station,
Villupuram District (Crime No. 2 Of 2024)

A.D. JAGADISH CHANDIRA, J.

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