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Crl.O.P.No.31831 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. 31831 of 2024

R.Rajesh
S/o.Rajkumar and 2 Others

Petitioner(s)

Vs

The State Rep by its
The Inspector of Police, Tiruvennainallur Police
Station, Villupuram - District, Cr.No.976/2024.

Respondent(s)

For Petitioner(s):

P Jayachandran
S.Sneka

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), 118(1) and 351(3) of BNS r/w. Section 4 of TNPHW Act in Crime No.976 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the defacto complainant one Sivakumar is that, due to previous enmity between the petitioners and the defacto complainant family members, the petitioners herein had abused the defacto complainant's son using filthy language and also assaulted him using wooden logs, while the defacto complainant's wife entered to rescue her son, she was also assaulted by the petitioners herein, thereby they both sustained injuries. 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 prosecution and a false complaint has been lodged against them by the defacto complainant due to previous enmity. He would further submit 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, due to previous enmity with regard to property dispute, the petitioners have abused and assaulted the defacto complainant's son and wife using wooden logs and also threatened them with dire consequences. He



further submitted that the petitioners have no previous case and the investigation is still pending.

5. Heard the learned counsel for the petitioners 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 and the fact that the petitioners have no previous cases, 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 District Munsif cum Judicial Magistrate, Tiruvennainallur** 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 petitioners shall stay at Tiruvannamalai and report before the Tiruvannamalai Town Police station everyday at 10:30 a.m. and the petitioners are also directed not to enter into the jurisdiction of the respondent police, 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].

[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 its
The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram - District,
Cr.No.976/2024.

A.D. JAGADISH CHANDIRA, J.

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