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CRL.O.P.No.32551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

CRL.O.P.No.32551 of 2024

1.Ramamoorthy

2.Sowndhari

3.Bhaskar @ Bhaskaran

4.Lakshmi

... Petitioners

Versus

The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
(Crime No.972 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioners on bail in the event of their arrest in Crime No.972 of 2024 pending on the file of the respondent.

For Petitioners : Mr.Tamilselvan.A

For Respondent : Mr.R. Vinothraja
Government Advocate (Crl. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191 (1), 191 (2), 296(b), 115(1), 118(1) and 351(3) of BNS, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No. 972 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the petitioners are neighbours. They had enmity in disposal of garbage. On 13.12.2024, they had a wordy quarrel and indulged in man handling and they have also assaulted each other with wooden logs. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a counter complaint has been given against the de-facto complainant and a case was registered in Crime No.973 of 2024 and that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence,



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he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl. Side) would submit that that the de-facto complainant and the petitioners are neighbours. They had enmity in disposal of garbage. On 13.12.2024, they had a wordy quarrel and indulged in man handling and they have also assaulted each other with wooden logs. He would further submit that the injured has already been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on



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anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruvennainallur, on condition that the petitioners shall execute a bond each for a sum of **Rs.10,000/-(Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with the 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



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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 are released on anticipatory 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 229-A IPC.

27.12.2024

sli/rsi

To

- 1.The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
- 2.The District Munsif cum Judicial Magistrate,
Thiruvennainallur.
- 3.The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.
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