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CRL.O.P.No.32464 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.32464 of 2024

1.Kalarani
2.Nagaraj
3.Dheiva Rani
4.Ponraj
5.Rajesh @ Rajeshkumar

... Petitioners/A1 to A5

Versus

State represented by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.719 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.719 of 2024 pending on the file of the respondent.

For Petitioners : Mr.S.Dhilipan

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

ORDER



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The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 118(1), 351(3) and 324(2) of BNS, 2023 and Section 4 of The Prohibition of Harassment of Women Act, 2002 in Crime No.719 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the land dispute between the petitioners and the de-facto complainant, who are in-laws, the petitioners went to the de-facto complainant's land, at that time, a wordy quarrel arose between the petitioners and de-facto complainant, whereby the petitioners abused the de-facto complainant with filthy language and assaulted her with stone. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they had not committed any offence as alleged by the prosecution. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that due to previous land dispute between the petitioners and de-facto



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complainant, the petitioners abused the de-facto complainant in filthy language and attacked her with stone. 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 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 Judicial Magistrate, Dharapuram, on condition that the petitioners shall execute a bond each for a sum of **Rs.10,000/-(Rupees Ten**



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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 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



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under Section 229-A IPC.

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To

- 1.The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
- 2.The Judicial Magistrate,
Dharapuram.
- 3.The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

rsi/sli

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