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CRL.O.P.No.32542 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.32542 of 2024

1.Sundar

2.Meenatchi

... Petitioners/A1 & A2

Versus

The State represented by
The Inspector of Police,
Valathy Police Station,
Villupuram District.
(Crime No.462 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.462 of 2024 pending on the file of the respondent.

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

ORDER

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b),



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112(1), 115(2) and 351 (2) of BNS, 2023 and Section 4 of TNPWH Act in Crime No.462 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to a previous dispute, the de-facto complainant went and damaged the agricultural land of the petitioners, 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 threatened the de-facto complainant with dire consequences. 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 a counter complaint has been given against the de-facto complainant and a case was registered in Crime No.463 of 2024 and 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



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due to a previous dispute, the de-facto complainant went and damaged the agricultural land of the petitioner, 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 threatened the de-facto complainant with dire consequences. 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 Judicial Magistrate, Gingee, 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed



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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,
Valathy Police Station,
Villupuram District.
- 2.The Judicial Magistrate,
Gingee.
- 3.The Public Prosecutor,
High Court, Madras.

L.VICTORIA GOWRI, J.
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