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CRL O.P. No.1423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2025

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.1423 of 2025

1. Sowmya W/o. Parthasarathy
2. Valarmathi W/o. Subramani
3. Ganesan S/o. Subramani
4. Vinay Kumar S/o. Subramani ... Petitioner / Accused-1-4
Vs

State rep. by:-

The Inspector of Police,
Pallapatty Police Station,
Salem District. ... Respondent
[Cr. No.675 of 2024]

PRAYER: -- The Criminal Original Petition is filed under Section 482
of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused
1 to 4 in Crime No.675 of 2024 on the file of the respondent police.

For Petitioner : Ms. N. Jayashree for
M/s. Swaminathan Law Associates

For Respondent : Mr. KMD Muhilan
Government Advocate
[Criminal side]

ORDER



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The petitioners / Accused-1 to 4, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 and 506(i) of IPC in connection with the Cr. No.675 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was the driver of the 1st petitioner's husband. The petitioners abused the defacto complainant with filthy language, hit him repeatedly, punctured the Car tyre, broken the car glasses and took away the car key and criminally intimidated him. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the respondent police have registered a false case against the petitioners for the offences under Sections 294(b), 323, 427 and 506(i) of IPC. The defacto complainant with the ill advice of the 1st petitioner's husband Parthasarathy, has lodged this false complainant as against the petitioners. In fact, there was illicit relationship between the 1st petitioner's husband and the 3rd petitioner's wife. The defacto



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complainant was working as driver of the said Parthasarathy. When the petitioners questioned the defacto complainant with regard to the relationship between the 1st petitioner's husband and the 3rd petitioner's wife, there was quarrel arose between them and the defacto complainant tried to attack the 1st petitioner. In fact, the 1st petitioner has given a complaint against her husband Parthasarathy for the offence under POCSO Act and therefore, the said Parthasarathi has induced his driver to lodge this false complaint against the petitioners. The petitioners are innocent persons and they have nothing to do with the commission of offences as alleged in the FIR. Hence prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would submit that based on the complaint given by the defacto complainant, FIR was registered in this case for the offences under Sections 294(b), 323, 427 and 506(i) of IPC and investigation is not yet completed. Hence strongly opposed to grant bail to the petitioners.



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5. Heard both sides and perused all the materials available on record.

6. Considering the rival submissions made on either side, nature of offences, relationship between the parties, already there is a dispute between the petitioners and the driver of the 1st petitioner's husband, nobody was injured in this case, except the offence under Section 506(1) of IPC, all other offences are bailable in nature, 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 bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the Judicial Magistrate Court No.II, Salem** on condition that the petitioners shall each execute a 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 learned Magistrate concerned and on further condition



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[a] The petitioners shall appear before the respondent police on every Saturday at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for investigation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the previous permission of the Court;

[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



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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 B.N.S.2023.

24.01.2025

mjs

To

- 1.The Judicial Magistrate Court No.II, Salem.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Pallapatty Police Station, Salem District.

P.DHANABAL,J

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