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Crl.O.P.No.1524 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.01.2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.1524 of 2025

1.Kirubakaran

2.K.Vasanthi

... Petitioners

Vs

State Rep., by
The Inspector of Police,
H6, RK Nagar Police Station,
Gopal Nagar, Old Washermenpet, Chennai-600 021.
(Crime No.1333 of 2024)

... Respondent

For Petitioner : Mr.S.Ranjith Kumar

For Respondent : Mr.S.Santhosh,
Government Advocate(Criminal Side)

ORDER

The petitioners, who apprehend arrest in connection with Crime No.1333 of 2024, for the alleged offences punishable under Sections 296(b), 329(3) and 115(2) of BNS 2023, on the file of the respondent Police, seek anticipatory bail.



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2. Pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this court. The further submission of the learned counsel for the petitioners is as under:-

The petitioners are neighbours of the defacto complainant viz., Punitha Mary. One Ajith, who is a relative of the de facto complainant, often squabble with the petitioners and cause disturbance to them. Further, the said Ajith and the de facto complainant had also attacked the petitioners, their son and also their relatives and thereby, the petitioners had sustained severe injuries and admitted in the Stanley Hospital and they had lodged a complaint with the Commissioner of Police, Chennai against the de facto complainant, the said Ajith and others, who had attacked them. Only as a counterblast, a false complaint had been filed by the de facto complainant against the petitioners. The petitioners are ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent



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police, opposing for grant of anticipatory bail, is that the petitioners and the defacto complainant are neighbours and due to quarrel between them, both parties had assaulted each other and had sustained injuries and thereby, they had been admitted in the hospital and discharged. He further submitted that it is a case and a case in counter and no previous case is pending as against the petitioners.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the fact that the injured have been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance.

5. 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 VI Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioners shall execute a bond each for a sum of **Rs.15,000/- (Rupees**



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Fifteen 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:

[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 report before the respondent police everyday at 06.30p.m., 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]**;



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

24.01.2025

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To

- 1.The VI Metropolitan Magistrate, Egmore, Chennai,
- 2.The Inspector of Police, H6, RK Nagar Police Station,
Gopal Nagar, Old Washermenpet, Chennai-600 021.
- 3.The Public Prosecutor, High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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