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CrI.O.P.No.1402 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.1402 of 2025

1.Pushpavalli
2. Krishna Kumar

... Petitioners

Vs.

The Inspector of Police,
Pallipalayam Police Station,
Namakkal.
(Crime No.650 of 2021).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.650 of 2021, on the file of the respondent police.

For Petitioner : Mr.P.Vishnu
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)



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ORDER

Apprehending arrest in connection with Crime No.650 of 2021 registered for the offences punishable under Section 294(b), 323, 506 (i), 454 & 380 IPC, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case. He further submits that 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 (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the de-facto complainant running real estate firm in the name and style of Sri Guru Sastha Real Estate Promoters and the first petitioner is the wife of the de-facto complainant. Due to some



misunderstanding, the de-facto complainant and the first petitioner were living separately. On 14.04.2021, both the petitioners entered the house of the de-facto complainant, there arose a wordy quarrel between the petitioners and the defacto complainant. As a result of which, the petitioners assaulted the defacto complainant by using hands. He also submits that there is no previous cases pending against the petitioners.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Kumarapalayam, Namakkal on condition that the petitioners shall execute a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties 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 said Magistrate, on further condition



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that:

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[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

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

[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];

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

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A.D.JAGADISH CHANDIRA, J.

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