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Crl.O.P.No.2322 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2322 of 2025

1. Sampath
2. Babu

... Petitioners

Vs

The State rep. by,
The Inspector of Police
Moranam, Tiruvannamalai district.
(Crime No.12/2025)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the event of arrest in Crime No.12 of 2025 on the file of the respondent police pending investigation.

For Petitioners : Mr.Raja.M.
For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.12 of 2025 registered for the offences punishable under Sections 296(b), 115(2), 351 (3) of BNS 2023 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of



Woman Act, 2002, the present petition has been filed by the petitioners seeking anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was walking near the petitioners agricultural land, due to previous enmity, the petitioners abused the defacto complainant in filthy language and assaulted her with shovel and also threatened with dire consequences. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners have abused the defacto complainant and assaulted her with shovel and also threatened with dire consequences. He further submitted that there are no previous cases against the petitioners.



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5. 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, Cheyyar, Tiruvannamalai** on condition that the petitioners shall execute a separate 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fails 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 daily at 6.30 p.m for a period of two weeks, thereafter on every Saturday at 6.30 p.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



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the petitioner 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.

30.01.2025

dpq

To

1. The Inspector of Police
Moranam,
Tiruvannamalai district.
2. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J,



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