



Crl.O.P.No.32315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.32315 of 2024

1. D.Albert Raj
2. M.Sarala

... Petitioners

Vs

The State rep by
The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.
Crime No.73 of 2024.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest pending investigation in Crime No.73 of 2024 on the file of the respondent police.

For Petitioners : Mr.M.Sathish Kumar

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

ORDER

Apprehending arrest in connection with Crime No.73 of 2024



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registered for the offences punishable under Sections 448, 294(b), 506(i)

IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, the present petition has been filed by the petitioners 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 defacto complainant has availed loan of Rs.4,00,000/- from the 2nd petitioner for her business purpose with a promise to return the same with interest, but still there was a balance of Rs.2,60,000/- which was not repaid by the defacto complainant. Hence the petitioners went to the shop asking for repayment of the loan amount. He further submitted that the petitioners are innocents and they have been unnecessarily roped in this case. He also 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 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 come to the beauty parlour of the defacto complainant and threatened her to pay money as per their demand and harassed her and abused with filthy language.

4. Having heard the learned counsel for the petitioner 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 IX Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioners shall execute a separate bond, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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



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stand automatically cancelled;

[b] the petitioners shall report before the respondent Police daily at 10.30 a.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 petitioner 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.

09.01.2025

dpq

To

1. The Inspector of Police,
J-5, Sastri Nagar Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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