



WEB COPY



Crl.O.P.No.32109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

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

Crl.O.P.No.32109 of 2024

1. Parvathy Devi
2. Balakrishnan
3. N.Kamalesh
4. Subashini

... Petitioners

Vs

The State rep by,
The Inspector of Police,
T-1 Tambaram Police Station,
Chennai.
(Crime No.499 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge these petitioners/accused herein on bail in the event of their arrest by the respondent or their appearance before the concerned Court in Crime No.499 of 2024 on the file of the respondent Police.

For Petitioners : Mr.S.P.Mullai

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



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ORDER

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Apprehending arrest in connection with Crime No.499 of 2024 registered for the offences punishable under Sections 296, 351(2) of BNS and Section 4 of 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. He further submits due to matrimonial dispute between the third petitioner and the defacto complainant, false case has been foisted as against the petitioners. 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 putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners went to the defacto complainant's house and abused her with filthy language and also tried to break open the door. He further submitted that the injured has been discharged from the hospital.



4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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-I, Tambaram**, 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 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the third petitioner shall report before the respondent Police daily at 6.30 p.m., for a period of two weeks and thereafter as and when required; other petitioners shall report before the



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respondent Police daily at 6.30 p.m., for a period of one week and thereafter as and when required;

[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 abscond, a fresh FIR can be registered under Section 269 of BNS.

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Index : Yes/No
Internet : Yes/No

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To

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1. The Inspector of Police,
T-1 Tambaram Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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