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CrI.O.P.No.32198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

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

CrI.O.P.No.32198 of 2024

John Wesly J

... Petitioner

Vs

The State rep. by
The Inspector of Police,
P2, Otteri Police Station,
Chennai,
Tamil Nadu – 600 012.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1347 of 2024 on the file of the respondent, pending investigation and grant anticipatory bail.

For Petitioner	:	Mr.R.Sripriya Raghavan
For Respondent	:	Mr.Santhosh Government Advocate (CrI.Side)

ORDER

Apprehending arrest in connection with Crime No.1347 of 2024 registered for the offences punishable under Section 296, 118(1), 351(3) of BNS and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, the present petition has been filed seeking anticipatory bail.



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Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He would submit that the defacto complainant's daughter is a widow and the petitioner is having relationship with the defacto complainant's daughter. Therefore, the present false complaint has been given by the the defacto complainant as against the petitioner. He also submits that the petitioner is 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 as per the defacto complainant Bulgesh, her daughter was in illicit relationship with the accused. While so, the defacto complainant's son-in-law died and within 45 days, her daughter continued the relationship with the accused and the defacto complainant had questioned her daughter. In this regard, on 16.12.2024, when the defacto complainant and her grand daughter were in their home, the petitioner assaulted the defacto complainant with iron rod and also attempted to outrage the modesty of her grand daughter. He further submitted that the injured has been discharged from the hospital.



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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 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 petitioner with certain conditions and accordingly the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Metropolitan Magistrate-V, Egmore**, on condition that the petitioner shall execute a 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 petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 6.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness



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either during investigation or trial;

[d] the petitioner 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 petitioner 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.

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Index : Yes/No
Internet : Yes/No

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To

1. The Inspector of Police,
P2, Otteri Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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