



CRL OP NO. 32189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32189 of 2024

Rajiv Gandhi
S/o.Kalirathinam and another

Petitioner(s)

Vs.

State Rep By Its, The Inspector Of Police,
Thandrampet Police Station, Tiruvannamalai District.
Crime No.245 Of 2024

Respondent(s)

For Petitioner(s):

T.Shanmugam
P.K.Harinath Babu
K.G.Sripathi
S.Sivasakthi
G.Ajith

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 115(2), 324(2), 303(2) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (BNS), in Crime No.245 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the de-facto complainant is that the accused/A1 is the son and A2 is the daughter-in-law of the de-facto complainant. Due to a property dispute between them, the petitioners were allegedly trespassed into the de-facto complainant's house with criminal intention of attacking and grabbing the property documents, and they also caused damaged to the household articles and threatened with dire consequences. Hence, this case.

3. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no connection with the offence as alleged by the prosecution. There are no previous cases pending against the petitioners. Therefore, he prays that anticipatory bail be granted to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioners. He stated that the father of the accused/A1 is the de-facto complainant. A2 is the daughter-in-law. There is a partition dispute between them. The de-facto complainant has alleged that the petitioners damaged the house of the de-facto



complainant and also took away the original documents. He further stated that there are no previous cases pending against them.

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, they 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, Thandrapet, Thiruvannamalai District**, on condition that the petitioners shall execute 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 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[e] the petitioners shall not abscond either during the investigation or during the trial;

[f] 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 were 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];

[g] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

klt

02-01-2025



To

1. State Rep By, The Inspector Of Police,
Thandrapet Police Station, Tiruvannamalai District. Crime
No.245 Of 2024



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A.D. JAGADISH CHANDIRA, J.

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