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CRL OP NO. 32206 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. 32206 of 2024

Rajadurai
S/o. Nagaraj 119/4, Chettipalayam Govindhapuram
Dharapuram Taluk Tiruppur District

Petitioner(s)

Vs.

State Rep By , Inspector Of Police
Dharapuram Police Station Tiruppur District (Crime No.
718 of 2024)

Respondent(s)

For Petitioner(s):

N. Ponraj
E. Shbobana

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (BNS), in Crime No.718 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution as per the de-facto complainant is that the petitioner and the de-facto complainant are living in the same area. The trouble started three months ago, when the petitioner's father, namely, Nagaraj, took his own life by consuming poison. Following this incident, the petitioner and their family members allegedly began quarrelling with the de-facto complainant. It leading the de-facto complainant to relocate their family to a different housing unit in Dharapuram. However, on 17.12.2024 at about 04.45 P.M., when the de-facto complainant returned to their native place for a family ceremony, the petitioner allegedly started a fight, using abusive language and making life threats. The de-facto complainant suffered injuries and was rushed to the hospital. Hence, this case.

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



4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of anticipatory bail to the petitioner. He stated that the petitioner's father had committed suicide by consuming poison. The petitioner, allegedly under the guise that due to the de-facto complainant's family members were responsible for his father's suicide, caused trouble to the de-facto complainant. Meanwhile, when the de-facto complainant went to attend the 40th day death ceremony of his uncle, the petitioner picked up a quarrel and during that time, he attacked the de-facto complainant with an iron rod, due to which, he sustained injuries. The de-facto complainant has since been discharged from the hospital. He further stated that there are no previous cases pending against the petitioner.

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, he 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

Judicial Magistrate, Dharapuram, on condition that the petitioner 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 petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner 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 petitioner shall report before the respondent Police daily at 10.30 A.M., for a period of two weeks and thereafter, every Saturday at 10.30 A.M., until further orders;

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

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

[f] On breach of any of the aforesaid conditions, the learned



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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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

02-01-2025

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1. State Rep By , Inspector Of Police
Dharapuram Police Station
Tiruppur District
(Crime No. 718 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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