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Crl.O.P.No.32370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No. 32370 of 2024

1. Manivasagan
2. Dinesh
3. Sakthivel
4. Vijay
5. Madha
6. Manikandan
7. Raji
8. Bala Subramani
9. Sathiya Muthu
10. Pazhani
11. Kathiravan
12. Tharun
13. Iyyappan
14. Kanga
15. Anjalai
16. Ashok

... Petitioners

Vs

The State rep. by its
The Inspector of Police,
Mamallapuram Police Station,
Chengalpattu District.
[Cr. No. 519 of 2024]

... Respondent

For Petitioner : Mr. Anbu Selvan
For Respondent : Mr. S.Santhosh
Government Advocate (Crl.Side)



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ORDER

The petitioners apprehend arrest for the alleged offences under Sections 126(2), 191(2), 191(3), 329(4), 296(b), 115(2), 118(1), 351(3), 109(1), 324(5) of BNS Act and under Section 4 of Tamil Nadu Harassment of Women Act, 2002 in Crime No.519 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband is the fisherman. For the past six months, the petitioners and others have been preventing the defacto complainant and her family from participating in local temple festivals. On one occasion, as she was about to visit the Shivan temple, the petitioners illegally entered her house, used abusive language and attacked her with weapons, damaging her CCTV camera, windows and vehicles. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel



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further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were illegally entered the house of the defacto complainant, used abusive language and attacked her with weapons, damaged the vehicles and he further submitted that there is no previous case pending against the petitioners. However, he opposed to grant bail to the petitioners.

5. Considering the representations made by both sides and nature of offences charged against the petitioners and also considering the fact that there is no previous case pending against the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the



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District Munsif cum Judicial Magistrate, Thirukazhukundram at

Chengalpattu District on condition that the petitioners 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report **before the respondent police daily at 10.30 A.M. until further orders.**

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioners shall not leave India without the previous permission of the Court.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall make himself/herself available for interrogation by a police officer as and when required.



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[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 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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

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G.R.SWAMINATHAN, J.

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