



Crl.OP.No.19211 of 2024

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WEB C **P.DHANABAL,J**

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of The Bharathya Nyaya Sanhita (BNS)2023, in Crime No.381 of 2024, on the file of the respondent, seek anticipatory bail.

2.It is a prosecution's case alleged that the defacto complainant lodged a complaint before the respondent police against the petitioners herein. The defacto complainant and the petitioners herein all are belonging to the same village. On 02.08.2024 when there was a temple festival on their village, the defacto complainant and the petitioners herein have a wordy quarrel arose between them and the petitioners attack the defacto complainant with hands; therefore a case has been registered. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioners are innocent and they are all belonging to same village and they are not committed any offence as alleged by the respondent police. Hence, he prays to grant anticipatory bail to the petitioners.

<https://www.mhc.tn.gov.in/judis> 4. The Government Advocate (criminal side) for the respondent



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police would submit that in temple festival, there was a wordy quarrel, which resulted injury and subsequently discharge and there was also case in counter. Although there is no previous case as against the petitioners, he opposed to grant anticipatory bail to the petitioners.

5.Heard both side and perused the materials available on record.

6. Considering the representations made by both sides' learned counsels, and considering the fact that the injured person was discharged from the hospital and also considering there is no previous case against the petitioners and also taking into consideration that there is a case in counter, I am inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is **allowed** and the petitioners are ordered to be released on anticipatory bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.III, Vellore**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks, thereafter as and when required for interrogation;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the respondent police 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 anticipatory 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

13.08.2024

jrs

P.DHANABAL,J



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WEB COPY To

- 1.The Judicial Magistrate No.III, Vellore.
2. The Inspector of Police,
Veppakuppam Police Station,
Veppankuppam, Vellore District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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