



Crl. O.P. No.19138 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 126(2), 296(b), 118(1) and 351(3) of B.N.S. in Crime No.291 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the 1st accused assaulted the defacto complainant using bike key and the defacto complainant sustained injury. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has not indulged in any activities as alleged in the F.I.R and he has been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner and A1, in a drunken state, along with defacto complainant assaulted each other and caused injury to the defacto complainant using bike key and hence he objected to grant anticipatory bail to the petitioner. However, the learned Government Advocate (Criminal Side) also would contend that the injured person was discharged from the hospital as it was simple injury and A1 was arrested and released



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on bail.

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6. Considering the rival submissions on either side, considering the fact that the co-accused was arrested and released on bail and considering the nature of offences and considering the fact that injured person was discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 on which the order copy made ready, before the **learned XXIII Metropolitan Magistrate, Egmore, Chennai** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every day at 10.30 a.m. for a period of 30 days and thereafter, as and when required for investigation.

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



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

[d] 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].

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

08.08.2024

mjs

To

1. The learned XXIII Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police, R-10 M.G.R. Nagar Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.

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