



Crl. O.P. No.19373 of 2024

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WEB COPY

P. DHANABAL, J.

The petitioners apprehend arrest for the alleged offence under Sections 296(b), 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No. 491 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that there was a quarrel between the petitioners and the defacto complainant and it is alleged that the petitioners assaulted the defacto complainant with wooden stick and also abused them in unparliamentary words. The victim has been injured and subsequently, she was hospitalized. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



Crl. O.P. No.19373 of 2024

4. The learned Government Advocate (Criminal Side) would submit that there was a previous enmity between the petitioners and the de-facto complainant. He further submitted that petitioners attacked the defacto complainant and caused injuries and the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the rival submissions on either side and considering the nature of offence and the victim has been discharged from the hospital, no previous case is pending against the petitioner and also considering all other aspects, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners 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 on which the order copy made ready, before the **learned Judicial Magistrate, Cheyyar** on condition that the petitioners shall each 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:



Crl. O.P. No.19373 of 2024

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

[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 to 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] 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].

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

28.08.2024



Crl. O.P. No.19373 of 2024

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To

1. The Judicial Magistrate, Cheyyar
2. The Inspector of Police, Cheyyar Police Station,
Tiruvannamalai District.
3. The Public Prosecutor, High Court, Madras.



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