



Crl.OP.No.19499 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 alleged offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of The Bharathya Nyaya Sanhita (BNS)2023, in Crime No.270 of 2024, on the file of the respondent, seek anticipatory bail.

2.It is a prosecution's case alleged that the petitioner attacked the defacto complainant during the Amman Koil festival. Due to previous enmity, the defacto complainant attacked the petitioners, causing the first petitioner to sustain a head injury and hospitalization. The defacto complainant filed a complaint against the petitioner, and both parties have filed counter-complaints. 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 during the course of temple festival, dispute in entering into the temple, A1 has attached the defacto complainant's mother and caused simple injuries and subsequently she was discharged from hospital. 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, there is a counter case and also considering that there is no previous case against the petitioners and also considering the nature of offence, 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.I, Dindivanam**, 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



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Magistrate concerned and on further condition that:

WEB COPY [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



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To

1.The Judicial Magistrate No.I, Dindivanam.

2. The Inspector of Police,
Olakur Police Station,
Villupuram District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

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