



Crl. O.P. No.19788 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offence under Sections 189(2), 118(1), 115(2), 118(2), 296(b), 351(2) r/w 190 of B.N.S. in Cr. No.76 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that on 14.07.2024 at around 4.30 p.m., the petitioner along with co-accused went to Thirunallar Pettai Arrack shop and assaulted the defacto complainant and his two friends using wooden log and deadly weapons, abused them with filthy language and also threatened them with dire consequences. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case, that in fact, the defacto complainant and his friends only had assaulted the petitioner and abused him with filthy language, but made a false complaint against the petitioner, that the petitioner has not committed any offence as alleged in the FIR. Therefore he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit



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that due to previous enmity, the petitioner along with other accused persons have made a wordy quarrel with the defacto complainant, assaulted him by hands and using wooden log and billhook caused injuries in his forehead and head. Further they criminally intimidated the defacto complainant and his friends with dire consequences. The petitioner was absconding. There are previous cases against this petitioner. Hence he strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the nature of offences, considering the fact that the co-accused were released on bail and considering the fact that in all the previous cases pending against the petitioner, he was released on bail and injured 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



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the date on which the order copy made ready, before the learned **Judicial**

Magistrate No.II, Karaikal 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 Judicial Magistrate, Yanam daily at 10.30 a.m. until further orders.

[b] the petitioner 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 petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner 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 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].

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

22.08.2024



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To

1. The Judicial Magistrate No.II, Karaikal.
2. The Judicial Magistrate, Yanam.
3. The Inspector of Police, Thirunallar Police Station, Karaikal District.
4. The Public Prosecutor, High Court, Madras.



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