



Crl.OP.No.19670 of 2024

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P.DHANABAL, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 191(2), 191(3), 351(3) of BNS altered as Sections 296(b), 115(2), 118(1), 191(2), 191(3), 351(3), 126(2) of BNS in Crime No.619 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 07.08.2024, the petitioners along with other accused had attacked the defacto complainant and abused with filthy language and dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners have nothing to do with the commission of offence and they have been falsely implicated by the respondent police in the case. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that this is a counter case lodged by the defacto complainant and already there is a case pending in Cr.No.618 of 2024. On 07.08.2024, there was a wordy quarrel between the defacto complainant and the accused and the



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defacto complainant was assaulted and admitted to the hospital. The victim is subsequently discharged from the hospital and no previous case is pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the rival submissions on either side and the fact that the defacto complainant was discharged from hospital and also the charges levelled against the petitioners and by considering the fact that except 118(1) of BNS, all other offences are bailable in nature, this Court is 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, Vanur, on condition that the petitioners shall execute a separate 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 respondent



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police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

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

[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]**.

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

16.08.2024

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