



Crl. O.P. No.19620 of 2024

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P.DHANABAL.J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of B.N.S. in Cr. No.212 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 09.08.2024, wordy quarrel between the parties who were in drunken state and in continuation of which, the accused abused the defacto complainant in filthy language and using beer bottle, caused blood injury in his chest and left side ears and when the friend of the defacto complainant, tried to rescue him, the accused assaulted his friend also and caused injury to him. Hence the case.

3. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and he has not committed any offence as alleged in the FIR and the petitioner has not indulged in any other criminal activities. Hence the petitioner may be granted anticipatory bail.

4. The learned Government Advocate (Criminal side) would



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contend that the petitioner assaulted the defacto complainant and his friend using beer bottle and caused blood injury. Investigation is not completed.

Hence he objected to grant anticipatory bail to the petitioner. The learned Advocate for State would further submit that the injured person was discharged from the hospital and there is no previous case against the petitioner.

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

6. Considering the rival submissions put forth on either side, considering the nature of offences, considering the fact that there is no previous case pending against the petitioner and considering the fact the 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 her appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.I, Salem** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**



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with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions that:

[a] the petitioner shall report before the respondent police on everyday at 10.00 am. until further orders;

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

[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 v. State of Kerala [(2005) AIR SCW 5560]**.



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

16.08.2024.

mjs

To

1. The Judicial Magistrate No.I, Salem.
- 2.The Inspector of Police, Steel Plant Police Station, Salem.
- 3.The Public Prosecutor, High Court, Madras-600 104.



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