



Crl. O.P. No.19632 of 2024

Crl. O.P. No.19632 of 2024

P.DHANABAL.J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of B.N.S. in Cr. No.490 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 08.07.2024 at 6 p.m., when the defacto complainant was returning to home, the petitioner along with other accused, waylaid the defacto complainant near TNCSC building, abused him with obscene words, attacked him with hands and also using beer bottles in his head and by showing the broken bottles, threatened him with dire consequences. 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.



Crl. O.P. No.19632 of 2024

4. The learned Government Advocate (Criminal side) would contend that the petitioner assaulted the defacto complainant 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 **District Munsif cum Judicial Magistrate, Pallipet** on condition that the



Crl. O.P. No.19632 of 2024

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 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]**.



WEB COPY



Crl. O.P. No.19632 of 2024

[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 District Munsif cum Judicial Magistrate, Pallipet.
2. The Inspector of Police, R.K. Pettai Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras-600 104.



WEB COPY



Crl. O.P. No.19632 of 2024

P. DHANABAL.J.,
mjs

Crl. O.P. No.19632 of 2024



WEB COPY



Crl. O.P. No.19632 of 2024

16.08.2024