



Crl.O.P.No.19781 of 2024

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P.DHANABAL,J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296, 115(2), 118(1) and 109 of BNS 2023 in Crime No.323 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons abused the defact complainant using filthy language and attacked him with beer bottle, due to which the defacto complainant sustained injuries. Hence, this petition.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit there is no previous case as against the petitioners and they are no way connected with the said occurrence.

4.The learned Government advocate(Crl.Side) would submit that the petitioners attacked the defacto complainant and caused injuries to him. He further submitted that there are 3 previous of similar nature pending against the first petitioner and there is no previous case pending against the second petitioner. He further submitted that the injured



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discharged from the hospital. However, he objected to grant anticipatory

bail to the petitioner.

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

6.Considering the rival submissions on either side and considering the fact that there are 3 previous cases of similar nature pending against the first petitioner, **this petition is dismissed with regard to the first petitioner/A2.** Consider the fact that there is no previous case pending against the second petitioner/A4 and the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner/A4 subject to the following conditions:

7.Accordingly, the second petitioner/A4 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Krishnagiri on condition that the second petitioner/A4 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 second petitioner/A4 shall report before the respondent



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police daily at 10.30 a.m., until further orders

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[b] the second petitioner/A4 shall not tamper with evidence or witness either during investigation or trial.

[c] the second petitioner/A4 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 second petitioner/A4 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

19.08.2024

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