



Crl.O.P.No.19926 of 2024

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P.DHANABAL,J.

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 296(b), 115, 303(2) of BNSS r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 in Crime No.241 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. There was a wordy quarrel regarding neighbouring dispute between them, due to which the petitioner had assaulted the defacto complainant and caused injury to him. Hence, the case,

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that he is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there was a wordy quarrel regarding neighbouring dispute, due to which the petitioner had assaulted the defacto complainant and



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caused simple injury to him. He also submits that there was a case and case in counter. However, he strongly opposed for the grant of anticipatory bail to the petitioner.

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

6. Considering the submissions made by the learned counsel on either side and considering the fact that the injured had sustained simple injury and discharged from hospital, considering the nature of offence and also fact that there was a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 the date on which the order copy made ready, before the learned **Judicial Magistrate Court-II Udumalpet** 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 respondent police, on every Saturday at 10.30 a.m., for a period of four weeks.



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

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

20.08.2024

Vv



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