



Crl.O.P.No.19863 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 191(2), 296(b), 133, 115(2) of BNC and Section 4 of TNPHW Act, 2002 in Crime No.92 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that that the petitioners and the defacto complainant are neighbours and there was a wordy quarrel among them with regard to construction of a building in which the third petitioner is a worker. This led to a quarrel among them and thereafter, the quarrel escalated into violence. 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 the petitioners are no way connected with the said occurrence.

4.The learned Government advocate(Crl.Side) would submit that



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the petitioners attacked the defacto complainant and caused injuries to him. He further submitted that there is no previous case against the petitioners and the injured discharged from the hospital. However, he objected to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side and considering the fact that there is no previous case pending against the petitioners, nature of offences and the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7.Accordingly, the petitioners are 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 No.II, Virudhachalam** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] 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.

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

[c] the petitioners 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 petitioners 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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