



Crl.O.P.No. 20646 of 2024

Crl.O.P.No. 20646 of 2024

P. DHANABAL, J.

WEB COPY

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 296(b), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita (BNS) in Crime No. 391 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the younger brother of the de-facto complainant. The petitioner/accused had assaulted the de-facto complainant with baseball bat due to previous enmity. Thereafter, the de-facto complainant sustained grievous injuries and subsequently, he was hospitalized. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that no previous case is pending against him and he has been falsely implicated in this case. Therefore, he prayed for grant of anticipatory bail to the petitioner.



4. The learned counsel for the de-facto complainant/Intervenor would submit that there was a quarrel between the petitioner and the defacto complainant. It is also alleged that the petitioner/accused brutally attacked the defacto complainant with a baseball bat, with the intention of killing him. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted the petitioner/ accused had assaulted the de-facto complainant with baseball bat due to previous enmity. He further submitted that the victim is still in the hospital. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the above submissions made by the learned Counsel on either side, no previous case is pending against the petitioner, the petitioner and the de-facto complainant are blood relatives and the civil dispute is also pending between the parties and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY



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 (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate-I, Namakkal***, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Inspector of Police, Krihmagiri Police Station, Krishnagiri on everyday at 10.30 a.m. until further orders;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the



Crl.O.P.No. 20646 of 2024

WEB COPY

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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

28.08.2024

2/2

kv

To

1. The Judicial Magistrate-I, Namakkal.
2. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No. 20646 of 2024

P. DHANABAL, J

kv

Crl.O.P.No. 20646 of 2024

28.08.2024
2/2