



Crl. O.P. No.20457 of 2024

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P. DHANABAL. J.,

WEB COPY

The petitioner apprehend arrest for the alleged offence under Sections 126(2), 296(b), 115(2), 118(1), 351(2) of BNS in Crime No.277 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the on 15.08.2024 at 10.00pm the petitioner along with his friend were talking, at that time the defacto complainant and his friend while consuming alcohol raised wordy quarrel using filthy language and assaulted with brandy bottles. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent person and he has not committed any offence as alleged in the FIR, that the defacto complainant and his friend while consuming alcohol raised wordy quarrel using filthy language and assaulted the petitioner with brandy bottles, thereby causing injuries and admitted in the hospital as inpatient. Likewise, the defacto complainant also admitted in the hospital as in patient. It is a case and case in counter. The petitioner has been falsely implicated in this case and hence he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit



Crl. O.P. No.20457 of 2024

that there is a wordy quarrel between two groups and assaulted each other and the injured has been discharged from the hospital. It is a case and case in counter and the counter case has been filed in FIR.No.278 of 2024. He would further submit that the investigation almost completed, there is no previous case pending against the petitioner. However, he opposed 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 the injured person was discharged from the hospital and also considering the fact that there is no previous case pending against the petitioner and counter case is also pending. 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **II Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



Crl. O.P. No.20457 of 2024

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 the respondent police on every Saturday at 10.30 am. for a period of four weeks.

[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 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].



Crl. O.P. No.20457 of 2024

[f] If the accused thereafter absconds, a fresh FIR can be registered

WEB COPY under Section 269 B.N.S.2023.

23.08.2024

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To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police, D1 Triplicane Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.



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Crl. O.P. No.20457 of 2024

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CRL O.P. No.20457 of 2024

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