



Crl.O.P.No. 20795 of 2024

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**P. DHANABAL, J**

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 296(b), 115(2), 118(1), 351(2) and 3(5) of B.N.S in Crime No. 0047 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with co-accused assaulted the de-facto complainant and his friend with bike key due to previous enmity and abused them with filthy language. The victim has been injured 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 and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted the petitioner along with co-accused assaulted the de-facto complainant and his friend with bike key due to previous enmity and



abused them with filthy language. He further submitted that victim has been discharged from the hospital and five previous cases are pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned Counsel on either side, considering the nature of offence and the victim has been discharged from the hospital, the petitioner in all previous cases was enlarged on bail, and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.I, Karaikal*** 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:



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[a] the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for four weeks;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 has been imposed and the petitioner is 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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

**28.08.2024**

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