



Crl.O.P. No.21448 of 2024

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P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 191(2), 191(3), 296(b), 131, 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023 in Crime No.240 of 2024, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto-complainant, on 08.08.2024 at about 05.00 p.m. when the Defacto-complainant and his family members were standing in front of his land, at that time these petitioners and A-2 were joined together and transported the sand from the lake, on seeing their attempt, the defacto-complainant and his brother were questioned about the illegal transportation of sand, due to that there was a wordy altercation between them, suddenly these petitioners were attacked the defacto-complainant with knife and stone and he sustained severe injury. Hence the case.

3. The learned counsel for the petitioner would contend that only based on the confession statement of the injured persons, these petitioners



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were arrayed as accused in this case. The counter case also registered against the complainant in Crime No.240 of 2024. The co-accused namely 1st accused was arrested and subsequently released on bail. There is no previous case as against these petitioners. These petitioners are innocent persons and they had not indulged in any illegal activities as alleged by the prosecution and they have have been falsely implicated in this case by the respondent police and hence he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that when the Defacto-complainant and his family members were standing in front of his land, at that time these petitioners and A-2 were joined together and transported the sand from the lake, on seeing their attempt, the defacto-complainant and his brother were questioned about the illegal transportation of sand, due to that there was a wordy altercation between them, suddenly these petitioners were attacked the defacto-complainant with knife and stone and he sustained severe injury. Immediately, injured persons were taken into Hospital and now they are discharged from the hospital. In this case, already the 1st accused was arrested and subsequently released on bail. There is no previous case as against these petitioners. However, the learned Government Advocate (Criminal Side)



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vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the nature of offence involved in this case, no previous case is pending against the petitioners, the 1st accused was arrested and subsequently released on bail and the injured persons were discharged from hospital and considering other aspects, 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 anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif cum Judicial Magistrate Court, Pochampalli** on condition that the petitioners shall execute 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.00 a.m for the period of four



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weeks;

[b] the petitioners 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 or tamper with the evidence.

[c] the petitioners shall not leave India without the prior permission of the Court.

[d] the petitioners 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 petitioners 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.

03.09.2024

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