



Crl. O.P. No.21706 of 2024

Crl. O.P. No.21706 / of 2024

P. DHANABAL.J.,

WEB COPY

The petitioner / Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) of B.N.S. 2023 in connection with the Cr. No.309 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 28.08.2024, the petitioner along with another accused, came to the defacto complainant's tire shop situated near Madur Tollgate, abused and attacked with hands and due to which, the defacto complainant sustained injury. Hence the case.

3. The learned counsel appearing for the petitioner would submit that due to the family dispute, the defacto complainant has given this false complaint as against the petitioner, that the petitioner has not committed any offence as alleged by the respondent police, that he is an innocent and he has been falsely implicated in this case and hence he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that there is family dispute between



Crl. O.P. No.21706 of 2024

the parties and due to which, the petitioner along with another person, abused and attacked the defacto complainant and the defacto complainant had taken treatment in the hospital. Hence he objected for the grant of anticipatory bail.

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

6. Considering the arguments putforth on either side, considering the fact that there is matrimonial dispute between the parties, that injured was discharged from the hospital and that no previous case is pending against the petitioner, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Kallakurichi** on condition that the petitioner shall execute a 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:



Crl. O.P. No.21706 of 2024

WEB COPY [a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[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 them 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].

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



WEB COPY

mjs



Crl. O.P. No.21706 of 2024

05.09.2024

To

1. The **Judicial Magistrate No.II, Kallakurichi.**
2. The Inspector of Police, Thiyagadurgam Police Station, Kallakurichi.
3. The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
mjs



WEB COPY



Crl. O.P. No.21706 of 2024

CRL O.P. No.21706 of 2024

05.09.2024