



Crl. O.P. No.21719 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of B.N.S. 2023 in connection with the Cr. No.132 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 16.08.2024 at about 6.30 p.m., due to the land dispute between the parties, the 1st petitioner abused the defacto complainant in filthy language, hit her in the back side of her head and left hand using coconut log and when she fell down, he also kicked her near her eye and the 2nd petitioner had also hit her using coconut log and on hearing her sound, when the son of the defacto complainant came to the spot, the petitioners threatened them with dire consequences. The injured was taken treatment in the hospital as in-patient. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, that petitioners have been falsely implicated in this case, that in fact, on 16.08.2024 at 19.30 hours, the defacto complainant and 2 others were taking coconuts from the land of



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the petitioners and when the 1st petitioner questioned the same, the defacto complainant, one Ranjith and the daughter of the defacto complainant, abused in filthy language, attacked and also threatened in dire consequences and the 1st petitioner has given a complaint against the defacto complainant and others and the same is registered in Cr. No.133 of 2024, that this is a case and counter case and they are ready to abide by any condition imposed by this Court. Hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that this is a case and counter case, due to land dispute between the parties, the petitioners had abused and attacked the defacto complainant and she sustained injury. Hence he objected for the grant of anticipatory bail. Further he submitted that injured person was discharged from the hospital.

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

6. Considering the arguments putforth on either side, considering



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the fact that there is a case in counter, that the injured was discharged from the hospital, as injury is simple and that no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are 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, Tiruchengode** on condition that the petitioners 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:

[a] the petitioners 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 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 them from disclosing such facts to the Court or to any police officer;

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



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[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 petitioners 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.

05.09.2024

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To

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

P.DHANABAL,J
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