



Crl. O.P. No.21695 of 2024

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P. DHANABAL.J.,

The petitioner / sole Accused who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 132, 351(3) of B.N.S. read with Section 92 of Rights of Persons with Disabilities Act 2016 in connection with the Cr. No.357 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2024, at about 5 p.m., due to the dispute arose between the defacto complainant, who is working as salesman in the TASMACH shop and the accused, who purchased liquor and not paid the amount and when the defacto complainant questioned the same, the petitioner assaulted him with weapon. Hence the case.

3. The learned counsel appearing for the petitioner would submit 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.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would contend that due to dispute arose between the parties with respect to non-payment for the purchase of liquor, the petitioner assaulted the defacto complainant. Further he submitted that injured was discharged from the hospital and there is no previous case of similar nature, pending against the petitioner.

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

6. Considering the arguments putforth on either side, considering the fact that no previous case is pending against the petitioner and the injured person was discharged from the hospital and considering the nature of offences involved in this case, 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, Omalur** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties



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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 10.00 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].



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

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

05.09.2024

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To

- 1.The **Judicial Magistrate, Omalur.**
- 2.The Inspector of Police, Tharamangalam Police Station, Salem.
- 3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
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