



Crl.OP.No. 22094 of 2024

P. DHANABAL, J

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The petitioners who apprehend arrest for the alleged offences punishable under Sections 296(b), 118(1), 351(3), 109 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 25(1)(b) of the Arms Act, 1959 in Crime No. 366 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 01.01.2024, the de-facto complainant along with his friends had assaulted the first accused by using filthy language due to previous enmity. On 10.07.2024, A1 along with other accused had assaulted the de-facto complainant with Aruval. Due to the impact, the de-facto complainant got injured. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners as well as the de-facto complainant had assaulted with each other. He further submitted that the petitioners have been falsely implicated in this case and no previous case is pending against them. He further submitted that it is a case-in-counter case and the injured person has been



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discharged from the hospital. However, the petitioners are ready and willing to abide any stringent conditions may be imposed by this Court. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that on 01.01.2024, the de-facto complainant along with his friends had assaulted the first accused due to previous enmity. On 10.07.2024, A1 along with other accused had assaulted the de-facto complainant with Aruval. He further submitted that it is a case-in-counter case and the injured has been discharged from the hospital and there is no previous case pending against them. However, he vehemently opposed for grant of anticipatory bail to them.

5. Considering the above submissions made by the learned Counsel on either side, considering the nature of offences, it is a case and case-in-counter case, the injured person has been discharged from the hospital, there is no previous case pending against the petitioners, and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate -I, Mayiladuthurai***, on condition that the petitioners 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:-

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

[b] the petitioners shall report before the respondent police on everyday at 10.00 am until further orders.

[c] 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 or tamper with the evidence.



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

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 petitioner is released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS;

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