



Crl.O.P.No.22141 of 2024

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P.DHANABAL, J.

The petitioner who apprehends arrest for the alleged offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) of BNS in Crime No.228 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused abused and assaulted the *de facto* complainant as a result of which the *de facto* complainant sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He also submitted that the *de facto* complainant and some others attacked the petitioner and his friends and subsequently they sustained injuries and further there is a case and counter case pending. The petitioner is ready and willing to furnish substantial sureties for his due release and abide by any condition that may



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be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner .

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there was a previous enmity between the petitioner and the *de facto* complainant and he was attacked by the petitioner and other accused as a result of which he sustained injuries. He further submitted that there are 21 previous cases as against the petitioner in which 8 cases are pending against him and also considering the gravity of offences, he opposed for grant of anticipatory bail to the petitioner .

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and as the injured is discharged from hospital and though, there are 21 previous cases as against the petitioner, he has been acquitted in 13 cases and further, taking into consideration of the fact that the other accused persons were arrested and released on bail, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate III, Salem** 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 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 petitioner shall report **before the Jurisdictional Magistrate on all working days, for a period of 30 days.**

[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 then from disclosing such facts of 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.



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[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]***.

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

05.09.2024

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