



Crl.OP.No. 22199 of 2024

P. DHANABAL, J

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Today, when the matter came up for hearing, the learned Counsel for the petitioner submitted that the correct name of the 2nd petitioner as "Thirumalai @ Dinesh" and he seeks leave of this Court to amend the correct name of the 2nd petitioner in the cause title. Leave Granted. Registry is directed to carryout necessary amendment in the cause title.

2. The petitioners who apprehend arrest for the alleged offences punishable under Sections 191(2), 296(b), 115(2), 118(1), 351(3) of BNS Act, in Crime No. 572 of 2024 on the file of the respondent police seeks anticipatory bail.

3. The case of the prosecution is that there was some property dispute between the petitioners and the de-facto complainant. In this regard, the de-facto complainant has filed O.S.No. 49 of 2019 before the learned District Munsif, Gudiyatham, against the first petitioner. During the pendency of the suit proceedings, the petitioners had assaulted the de-facto complainant and the de-facto complainant got sustained simple injuries. Hence the complaint.

4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the



prosecution. 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 the injured person has been 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.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that there was some property dispute between the petitioners and the de-facto complainant. In this regard, the de-facto complainant has filed O.S.No. 49 of 2019 before the learned District Munsif, Gudiyatham, against the first petitioner. During the pendency of the suit proceedings, the petitioners had assaulted the de-facto complainant and the de-facto complainant got sustained simple injuries. He further submitted that the injured person has been discharged from the hospital and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the above submissions made by the learned Counsel on either side, considering that the nature of offences, already suit is pending



between the parties, the injured 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.

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 (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Gudiyattam, Vellore District***, 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 every Saturday at 10.00 am for a period of four weeks.



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[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.

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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]*; and;

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

11.09.2024

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Note: Registry is directed to issue order copy after making necessary corrections in the cause title.

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