



Crl.O.P.No.24527 of 2024

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WEB COPY **P.DHANABAL, J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 49 and 351(3) of BNS Act in Crime No.140 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.08.2024 both the petitioners and the defacto complainant have attacked each other. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there was a wordy quarrel between the accused and defacto complainant and thereby attacked each other and the injured was discharged from the hospital and no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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6. Considering the rival submissions on either side and considering the nature of offence and there was some wordy quarrel between the parties and the injured was discharged from the hospital, the fact that no previous case pending against the petitioners, this Court is 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 at Vandavasi* 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 four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.



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[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.10.2024

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