



Crl.O.P. No.23795 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 296(b), 115(2), 118(1), 351(2), 351(3) of BNS Act in Crime No.400 of 2024, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that there was some dispute regarding celebrating Vinayagar Chathurthi festival, therefore, the petitioner along with other accused persons were abused the defacto-complainant by using filthy language and also attacked and caused injury to the defacto-complainant. Hence the case.

3. The learned counsel for the petitioner would contend that due to previous enmity, the defacto-complainant lodged a false complaint against the petitioner. This petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner. Hence, he seeks anticipatory bail to



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the petitioner.

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4. The learned Government Advocate (Criminal Side) would submit that there was some dispute regarding celebrating Vinayagar Chathurthi festival, therefore, the petitioner along with other accused persons were abused the defacto-complainant by using filthy language and also attacked and caused injury to the defacto-complainant. In this case, co-accused were arrested and subsequently released on bail. Already the injured person was discharged from the hospital. There is no previous case pending as against this petitioner. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence and considering that there was a dispute regarding the celebration of Vinayagar Chathurthi festival, there is no previous case is pending against the petitioner, in this case co-accused was arrested and subsequently released on bail, injured person was discharged from hospital and also considering other aspects, this court is inclined to grant



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anticipatory bail to the petitioner, subject to the following conditions:

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7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Krishnagiri** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.00a.m. for the period of 4 weeks;

[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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.



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[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

26.09.2024

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