



Crl.O.P.No.24912 of 2024

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WEB CO **P.DHANABAL, J.**

The petitioners apprehend arrest for the alleged offences under Sections 329(1), 118(1), 296(b), 351(3) of the BNS @ Sections 111(1) r/w 111(2)(b)(3)(4)(6), 191(2), 191(3), 329(1), 118(1), 296(b), 351(3) of the BNS in Crime No.76 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners along with other accused trespassed into the property of the defacto complainant, attacked him and his friends with wooden log, iron rod and also threatened him. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.



Crl.O.P.No.24912 of 2024

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to property dispute, the petitioners along with other accused trespassed into the property of the defacto complainant, attacked him and his friends with wooden log, iron rod and also threatened him. He further submitted that the injured has been discharged from the hospital and there is one previous case against the 4th petitioner and there is no previous case against the other petitioners. He also submitted that the prime accused in this case has been arrested and detained under Goondas. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the submission of the learned counsel on either side and also taking note of the fact that the injured has been discharged from the hospital and though there is one previous case against the 4th petitioner, he was released on bail in that case and there is no previous case pending against the other petitioners and also of the fact that the prime accused has been arrested and detained as Goondas, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.



Crl.O.P.No.24912 of 2024

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, Pennagaram***, on condition that each of 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 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 shall report **before the respondent police on everyday, until further orders.**

[b] 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 him from disclosing such facts of the Court or to any police officer.

[c] the petitioners shall not leave India without the previous permission of the Court.

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

[e] the petitioners 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



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CrI.O.P.No.24912 of 2024

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]***.

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

14.10.2024

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Crl.O.P.No.24912 of 2024

P.DHANABAL, J.

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Crl.O.P.No.24912 of 2024

14.10.2024