



Crl.O.P.No.24400 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 126(2), 296(b), 115(2), 118(1), 351(3), 329(4) of BNS, 2023 in Crime No.579 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint on 25.09.2024, alleging that the complainant is running a cool drinks shop at Arcot Bus stand, and the petitioners had asked for a use and throw cup and that since the complainant had responded negatively, the petitioners had abused him in filthy language and threatened with dire consequences. 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 the defacto complainant lodged a complaint on 25.09.2024. The complaint lodged is that the complainant is



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running a cool drinks shop at Arcot Bus stand. It is alleged that the petitioners had asked for a use and throw cup and that since the complainant had responded negatively, the petitioners had abused him in filthy language and threatened with dire consequences and 14 previous cases pending against the first and petitioner and 9 cases disposed and no previous case pending against the second petitioner and in all the first petitioner was granted bail and the injured discharged in hospital. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, the nature of offences and the injured was discharged from the hospital and though the first petitioner has 14 previous cases pending against him already 9 cases disposed of and in all other pending cases he was released on bail and no previous case pending against the second petitioner, 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,



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before the *learned Judicial Magistrate, Arcot* 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 daily at 10.00 a.m., for a period of thirty days 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.

[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.

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