



Crl.O.P.No.24857 of 2024

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P.DHANABAL, J.

The petitioners apprehend arrest for the alleged offences under Sections 296(b), 115(ii), 351(ii) and 105 of BNS, in Crime No.119 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners along with their parents picked a quarrel with the defacto complainant's family, during the quarrel, the petitioners abused the defacto complainant and his parents and attacked the father of the defacto complainant's on his chest and stomach. Due to this, he was injured and subsequently, died. 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 and co-accused have been arrested and later, enlarged on bail by this Court. 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.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that due to previous enmity, the petitioners along with their parents picked a quarrel with the defacto complainant's family, during the quarrel, the petitioners abused the defacto complainant and his parents and attacked the father of the defacto complainant's on his chest and stomach. Due to this, he was injured and subsequently, died. He further submitted that there is no previous case against petitioners. He also produced the doctor's final opinion, in which, it has stated that the deceased would appear to have died due to cardiac insufficiency as a result of coronary artery disease. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the representations made by both sides and the nature of offences charged against the petitioners and there is no previous case against the petitioners and co-accused have been arrested and later, enlarged on bail and the considering the medical final opinion that the deceased would appear to have died due to cardiac insufficiency as a result of coronary artery disease, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.



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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 No.II, Virudhachalam***, 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 jurisdictional Magistrate, on every Saturday at 10.30 a.m., for a period of 30 days;**

[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.



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[f] 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]***.

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

18.10.2024

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