



Crl.O.P. No.25323 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(1) of BNS Act in Crime No.450 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and his wife, who is a Eriguthi Panchayat Union Ward Councilor, the petitioner and his wife were supervising the Rain Water Drainage at that time the defacto-complainant prevented the supervising works, due to which there was wordy quarrel between them and assaulted the defacto-complainant and threatened with dire consequences. Hence the case.

3. The learned counsel for the petitioner would contend that 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 the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner's wife is a Ward Coucilor and she supervising the Rain Water drainage work, at that time the defacto-complainant prevented the petitioner's wife, in which there was wordy quarrel between them and they assaulted the defacto-complainant. In this case, injured person was discharged from hospital. There is no previous case 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 the injured person was discharged from hospital, there is no previous case is pending against the petitioner and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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



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investigation or trial.

[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.

17.10.2024

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