



Crl.O.P. No.25437 of 2024

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P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023 in Crime No.412 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the defacto-complainant is doing business and they had business transaction with 1st petitioner's firm. The defacto-complainant has purchased stones from the 1st petitioner's firm and he issued unfilled signed cheques to the 1st petitioner. The petitioners on 08.10.2024 came to the property of the defacto-complainant and obtained a promissory note from the father of the defacto-complainant and the same has been objected by the defacto-complainant, the accused persons used unparliamentary words against the defacto-complainant and also assaulted him by using brick stone and iron rod, due to which he sustained injury. Hence the case.



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3. The learned counsel for the petitioners would contend that these petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police. There is no previous case as against these petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that there is a money dispute pending between the defacto-complainant and the petitioners, due to which there was a wordy quarrel between them and the petitioners were assaulted the deacto-complainant and he sustained injury. The 1st petitioner is having one previous case, other petitioners are concerned there is no previous case. The injured person was discharged from hospital. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

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



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WEB COPY 6. Considering the rival submissions on either side, considering the nature of offence and the charges levelled against the petitioners and considering that there is money dispute between the parties, though the 1st petitioner is having one previous case and it is not a similar kind of offence, the injured person was discharged from hospital, there is no previous case pending against the 2nd and 3rd petitioners and also considering other aspects, 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 anticipatory 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, before the learned **Judicial Magistrate, Kangeyam** on condition that the petitioners shall execute separate 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 on every Saturday at 10.00a.m. for the period of four



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weeks;

[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 to the Court or to any police officer or tamper with the evidence.

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

[d] the petitioners shall not abscond either during 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 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].

[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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