



Crl.O.P. No.25394 of 2024

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P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 189(2), 191(2), 126(2), 296(b), 115(2), 118(2), 125 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 in Crime No.1141 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the defacto-complainant is studying BBA, the petitioners and other accused are the college mates of the defacto-complainant. The petitioners and others were cursing the defacto-complainant in filthy language and assaulted the defacto-complainant by using brick stone and caused injury. Hence the case.

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.



Crl.O.P. No.25394 of 2024

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4. The learned Government Advocate (Criminal Side) would submit that the petitioners and other persons are the college mates, the petitioners were cursing the defacto-complainant in filthy language and assaulted the defacto-complainant with brick stone and caused injury. There is no previous case as against these petitioners. 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.

6. Considering the rival submissions on either side, considering the nature of offence and considering that there is dispute between the college students, the injured person was discharged from hospital, there is no previous case is pending against these petitioners and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



Crl.O.P. No.25394 of 2024

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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 No.2, Poonamallee** 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 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



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Crl.O.P. No.25394 of 2024

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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Crl.O.P. No.25394 of 2024

P.DHANABAL,J

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Crl.O.P.No.25394 of 2024

17.10.2024