



Crl.O.P.No.26286of 2024

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P.DHANABAL,J.

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 108 of BNS in Crime No.295 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that on an earlier occasion, the deceased has given a sum of Rs.5,00,000/- to the petitioners for hand loan. After some time, the deceased has demanded the loan amount, but the petitioners refused to pay the same by citing various reasons. The deceased had running a tender coconut shop and the petitioners are neighbouring shop owners. On the date of occurrence, the defacto complainant's son/deceased went to the petitioners' shop and asked the money, due to which, the petitioners have abused him with unparliamentary words and also threatened him with dire consequence. Thereafter, the defacto complainant's son had returned to his home and hanging himself. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the



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petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. He further submits that they are ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that there was a money dispute between the parties , due to which, the petitioners had abused and threatened the defacto complainant's son, following which, the defacto complainant's son had returned to his home and hanging himself. However, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Considering the nature of offence, there was a money dispute between the parties, and also the fact that there is no previous case against the petitioners and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in



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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 ***District Magistrate-Cum-Judicial Magistrate, Edappadi*** on condition that each of the petitioners shall execute separate bonds 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 everyday at 10.30 a.m.,until further orders.

[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].



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

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Vv



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