



Crl.O.P.No.26480 of 2024

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P.DHANABAL, J.

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The petitioners, who apprehend arrest at the hands of the respondent police, for the alleged offences under Sections 296[b], 324[4] 118[1] and 351[3] of BNS Act 2023 read with Section 4 of Women Harassment Act, in Crime No.306 of 2024, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the petitioners are husband and wife. The further case of the prosecution is that due to civil dispute, on 13.10.2024, the petitioners abused and assaulted the defacto complainant and caused injury. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and the defacto complainant along with her daughter quarrelled with petitioners and the defacto complainant had fallen on the stick nearby and sustained injury and they have been falsely implicated in this case due to the civil dispute. Hence, he prayed to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that due to civil dispute, on 13.10.2024, the petitioners abused and assaulted the defacto complainant and caused injury. He further submitted that “the injured” has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the submissions of both sides, nature of offences and also of the fact that the injured person has been discharged from the hospital and no previous case is pending against the petitioners and there is civil dispute pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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.IV, Vellore**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 respondent police on every Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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 v. State of Kerala [(2005) AIR SCW 5560].

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

25.10.2024

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