



Crl.O.P.No26469 of 2024

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P.DHANABAL,J.

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 191(2), 191(3), 296(b), 115(2) 118(1), 351(3) of BNS in Crime No.809 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the on the date of alleged occurrence, one Allibay and others were attacked a person named Nagaraj, the defacto complainant intervened to protect the said Nagaraj, which leading to a fight between the complainant and the accused. It is further alleged that the petitioner herein arrived at the scene and attacked him with cricket bat and the other accused also assaulted the defacto complainant and caused injuries. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as



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alleged by the prosecution. He further submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner/A4 along with others had assaulted the defacto complainant and caused injuries to him. He further submits that the injured had discharged from the hospital. He also states that the petitioner is a History Sheeter and he is having 9 previous cases. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

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

6. Considering the nature of offence, the injured had already been discharged from the hospital, though the petitioner is having nine previous cases, most of the cases are old cases and all the cases are not similar kind of offences and considering all other aspects, this Court is inclined to grant



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anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif-Cum-Judicial Magistrate Court, Madhavaram** on condition that the petitioner shall execute a 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 petitioner shall report before the Inspector of Police, Madhuranthagam Police Station, everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and



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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].

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

25.10.2024

Vv



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