



Crl.O.P.No.26694 of 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 Sections 296(b), 115(2), 118(1), 351(3) of Bharatiya Nyaya Sanhita, 2023 in Crime No.733 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant regarding parking of vehicle in front of the petitioners shop, the defacto complainant has questioned about the same and also told them to remove the two wheelers parked in front of shop, due to which, the petitioners have abused the defacto complainant in filthy language and assaulted him with iron rod and caused injuries to him and also threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such



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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 (Crl.Side) appearing for the respondent submits that there was a dispute between neighbours regarding parking of vehicle in front of the petitioners shop, the defacto complainant has questioned about the same and also told them to remove the two wheelers parked in front of shop, due to which, the petitioners have abused the defacto complainant in filthy language and assaulted him with iron rod and caused injuries to him. He admits that the injured was discharged from the hospital. He further submits that there is no previous case against the petitioner. 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 (Crl.Side) and perused the materials available on record.



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6. Considering the nature of offence, there was a dispute between the neighbours regarding parking of vehicle and the injured had already been discharged from the hospital 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 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 Court-I, Kallakurichi, Kallakurichi District** 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 on every Saturday at 10.30 a.m., for a period of four weeks.

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



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[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].

[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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