



Crl.O.P.No26653 of 2024

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P.DHANABAL,J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 296(b), 115(2), 118(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 in Crime No.463 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant regarding parking of car, due to which, the petitioner along with others abused the defacto complainant and with filthy language and assaulted him with plastic pipe and caused injuries to him and also threatened him with dire consequences. 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 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.



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4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that there was a dispute between the parties regarding parking of a vehicle due to which, the petitioner had abused and assaulted the defacto complainant and caused injuries. He further submits that the injured was discharged from the hospital and there is no previous against the petitioner. He further submits that A1 to A4 were arrested and still in judicial custody. However, 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 (CrI.Side) and perused the materials available on record.

6. Considering the nature of offence, the injured had already been discharged from the hospital and there was a dispute between the parties regarding parking of vehicle and no previous case against this petitioner and also the fact that the co-accused were arrested and still in prison and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



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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, Thirukalukundram** 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 respondent police on every Saturday at 10.30 a.m., for a period of four weeks.

[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



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