



Crl.O.P.No.27543 of 2024

A.D.JAGADISH CHANDIRA, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(2) of BNS, 2023, in Crime No.139 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having two wives and the petitioner is the second wife's son. Due to a property dispute between the petitioner and the defacto complainant, the petitioner abused the defacto complainant in filthy language and assaulted him with wooden logs and caused injuries. Hence, the case.

3.The learned counsel for the petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that the incident had occurred due to a family dispute. He would further submit that there is no previous case against the petitioner. He would further submit that the injured has been discharged from the hospital. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

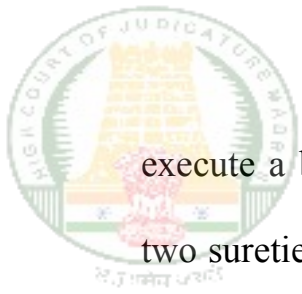


4.The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are son and father and due to a property dispute, the petitioner abused the defacto complainant in filthy language and assaulted him wooden logs and caused injuries to him. He would further submit that there is no previous case against the petitioner and the injured has been discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case, there is a property dispute pending between the parties and the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the **Judicial Magistrate Court, Uthangarai, Krishnagir District**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall stay at Krishnagiri Town and report before the Krishnagiri Town Police Station everyday at 10.30 a.m., for a period of four weeks. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police station until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 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];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

04.11.2024

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