



Crl.O.P.No.28176 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 118(1), 351(3), 61(2) & 109(1) BNS in Crime No.464 of 2024, seeks anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties.

3.The case of the prosecution is that the petitioner along with other accused due to a property dispute assaulted the de facto complainant, causing him injuries. Hence the case.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no previous case pending against the petitioner. He further submitted that the petitioner is ready and willing to abide by any condition that may be imposed on him.



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5.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioner submitted that there is a property dispute between the parties and on the date of occurrence there was a wordy quarrel between the parties, in which the petitioner along with other accused assaulted the de facto complainant, resulting in injuries to him. He further submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

6.Taking into consideration the facts of the case and the submission that the petitioner has no bad antecedents and the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvennainallur** 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, on further



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condition that:

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[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 06.30 p.m for a period of two weeks, thereafter on every Saturday at 06.30 p.m., 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.

12.11.2024

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Dated: 12.11.2024