



Crl.O.P.No.27595 of 2024

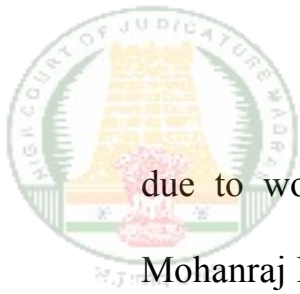
A.D.JAGADISH CHANDIRA, J.

The petitioners/A3, A6 and A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 189(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.300 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 21.09.2024 at about 16.15 hours, the petitioners along with the other accused were found urinating on the compound wall of Mohanraj Marriage Hall near Puthukoil Wine Shop, when the defacto complainant questioned the same, the accused abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that



due to wordy quarrel in respect of urinating on the compound wall of Mohanraj Marriage Hall, the petitioners along with the other accused abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences. He would further submit that A3 is having 23 previous cases, A6 is having 21 previous cases and A9 is having one previous case against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Considering the facts and circumstances and also considering the bad antecedents of the petitioners 1 and 2/A3 and A6, I am not inclined to grant anticipatory bail to them and accordingly, the petition stands dismissed as against the petitioners 1 and 2. Insofar as A9/3rd petitioner is concerned, considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the 3rd petitioner alone subject to the following conditions:

[a] Accordingly, the 3rd 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, Vaniyambadi**, on condition that the petitioners 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 3rd petitioner shall report before the respondent police daily Morning at 10.30 a.m and Evening at 6.30 p.m., until further orders.

[c] the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 3rd 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 3rd petitioner in accordance with law as if the conditions have been imposed and the 3rd 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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