



Crl.O.P.No.27418 of 2024

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WEB COPY A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.276 of 2024 registered for the offences punishable under Sections 296(b), 118(1), 353(3) of BNS, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the defacto complainant is an aggressor and he created problem in the police station. He further submits that the main accused in this case had been arrested and released on bail. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail is that, the defacto complainant who is an advocate had gone to the Police Station to represent his clients, during such time, members of the opposite party assaulted the defacto complainant with weapons, resulting him in sustaining a fracture. He further submits that, the 3rd & 4th



petitioners are the persons who have assaulted the defacto complainant with deadly weapon, resulting him in the injuries.

4. The learned counsel for the defacto complainant/Intervenor vehemently opposed for grant of anticipatory bail to the petitioners stating that, when the defacto complainant, who is an advocate had gone to represent his clients, at that time, petitioners along with other accused attacked the defacto complainant using deadly weapons.

5. Considering the specific overt against the 3rd & 4th petitioners that they had attacked the defacto complainant using deadly weapons, **this Court is not inclined to grant anticipatory bail to the 3rd & 4th petitioners.**

6. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, **this Court is inclined to grant anticipatory bail to the 1st & 2nd petitioners** with certain conditions and accordingly,



the 1st & 2nd petitioners are 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 **District Munsif Cum Judicial Magistrate, Tharangambadi, Mayiladuthurai** on condition that the 1st & 2nd 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, on further condition that:

[a] if the 1st & 2nd petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the 1st & 2nd petitioners shall report before the Inspector of Police, Mayiladuthurai Town Police Station daily at 06.30 p.m., for a period of two weeks and thereafter report before the respondent police on every Saturday at 10.30.a.m., until further orders

[c] the 1st & 2nd petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the 1st & 2nd petitioners shall not abscond either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st & 2nd petitioners in accordance with law as if the conditions have been imposed and the 1st & 2nd 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];

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

6. Accordingly, this Criminal Original Petition is dismissed in respect of 3rd & 4th petitioners and in respect of 1st & 2nd petitioners, this Criminal Original Petition is ordered.

05.12.2024

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A.D.JAGADISH CHANDIRA, J.

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