



*Crl.O.P.No.27433 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 118(2), 296(b) and 326 of BNS in Crime No.868 of 2024, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant is that on 23.10.2024 when the de facto complainant was walking near Wimco Nagar Metro Station, he was abused and attacked by the petitioner. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel further submitted that the petitioner had no bad antecedents and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, the learned counsel prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner



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submitted that on the date of occurrence, the petitioner assaulted the de facto complainant and the injured has already been discharged from the hospital. He further submitted that the present petitioner has no previous cases pending against him.

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. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either sides and the fact that there is no previous cases pending against the petitioner and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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 **Judicial Magistrate, Thiruvottiyur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to



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the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

**[a] the petitioner shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station daily at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police for a period of one month.**

[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 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 BNS.

15.11.2024



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**A.D.JAGADISH CHANDIRA, J.**

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Dated: 15.11.2024