



Crl.O.P.No.27665 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 115(2) of BNS, 2023, in Crime No.740 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Kandasamy is that on 31.08.2024 at about 8.00 p.m., while he was standing in front of his house, the petitioner along with the other accused, who are the granddaughter's husband and grandson of the defacto complainant, abused the defacto complainant in filthy language and assaulted him with iron rod and caused head injury. 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 due to property dispute, a false complaint has been lodged 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.



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4.The learned Government Advocate (Crl. Side) would submit that the accused and the defacto complainant are relatives and due to a land dispute, the petitioner along with the other accused abused the defacto complainant in filthy language and assaulted him with iron rod. He would further submit that the specific overt act against the petitioner is that he attacked the defacto complainant with hands. He would further submit that the injured was already 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 land dispute pending between the parties and the injured has been discharged from the hospital and also taking into consideration all other factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate**



No.-2, Salem, 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 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 condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.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.

05.11.2024

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