



Crl.O.P.No.28098 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 296(b), 115(2), 118(1), 351(3) of BNS in Crime No.537 of 2024, seeks anticipatory bail.

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

3.The case of the prosecution as per the de facto complainant is that on 29.10.2024 the petitioner along with his friend used filthy language against the de facto complainant's son, when the de facto complainant and her husband confronted the petitioner, he along with his friends used abusive language, made threats and assaulted the de facto complainant and her family members. 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 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 due to a dispute between the petitioner and the de facto complainant's son, the petitioner along with other accused, assaulted the de facto complainant and her family members, causing injuries to three of them. He further submitted that the injured were already discharged from the hospital and there are three previous cases pending against the petitioner, out of which, two cases are similar in nature.

6.By way of reply, the learned counsel for the petitioner submitted that the cases pending against the petitioner pertain to the years 2018 – 2019 and no cases have been filed against the petitioner for the past four years.

7.Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel on either sides and the fact that the injured were already discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8.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



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receipt of a copy of this order, before the learned **Judicial Magistrate I,**

Arakkonam 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 condition that:

[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 10.30 am and at 06.30 pm 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.

13.11.2024

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Dated: 13.11.2024