



Crl.O.P.No.27671 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 324(4) and 351(3) of BNS, r/w Section 4 of TNPHW Act, 2002, in Crime No.305 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused and the defacto complainant are living in same area. Owing to previous enmity, there were frequent quarrel between the parties. While so, on 28.06.2024 at about 8.00 p.m., the petitioners along with the other accused, waylaid the defacto complainant, abused him in filthy language and attacked him with knife and caused injuries. 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 a counter complaint has been given against the defacto complainant and the same was assigned in Crime No.304 of 2024. He would further submit that the injured has been discharged from the hospital. He would further submit that there is no previous case against the petitioners. 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.

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4.The learned Government Advocate (Crl. Side) would submit that due to wordy quarrel, the petitioners along with the other accused, waylaid the defacto complainant, abused him in filthy language and assaulted him with knife and caused injuries. He would further submit that there is no previous case against the petitioner and the injured was also discharged from the hospital. However, 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 of the case and that no previous case is pending against the petitioners and also taking into consideration the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *XVII*



Metropolitan Magistrate Court, Saidapet, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the 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 BNS.

05.11.2024

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