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Crl.O.P.No.27745 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351 (3) of B.N.S. in Crime No.219 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, due to previous enmity, the petitioners attacked the defacto complainant with hands and wooden log and caused her injuries. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and due to previous enmity, the entire family members have been falsely implicated in this case. He further submitted that the 1st petitioner is a college student pursuing his B.E. Course and that the 2nd and 3rd petitioners are his father and mother respectively. He also submitted that there is a case in counter in Crime No.218 of 2024. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioners stating that due to previous enmity, the petitioners attacked the defacto complainant with hands and wooden log and caused her injuries. He further submitted that the injured has been discharged from the hospital and there is no previous case against the petitioners. He also submitted that it is a case and case in counter.

5. Heard the learned counsel for the petitionera and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that it is a case and case in counter and the injured has been discharged from the hospital and that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of



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fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Mettur, Salem District, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 1 and 3 shall report before the respondent police every Saturday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the 2nd petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

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

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