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Crl.O.P.No.27729 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 B.N.S. Act 2023, in Crime No.303 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, there was a previous enmity between the defacto complainant and the petitioner in respect of property. On 06.10.2024 at about 7.30 p.m., the petitioner along with other accused attacked one Karthi who has come from Kamudhi for temple construction work. When the defacto complainant tried to stop the quarrel, the accused attacked the defacto complainant with knife and caused him injuries and also threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



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Crl.O.P.No.27729 of 2024

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner stating that due to previous enmity, the petitioner along with other accused attacked the defacto complainant with knife and caused him injuries. He further submitted that the injured has been discharged from the hospital and that there is no previous case against the petitioner.

5. Heard the learned counsel for the petitioner 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 considering the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Tiruvannamalai**, on condition that the



Crl.O.P.No.27729 of 2024

WEB COPY

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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police everyday 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,



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Crl.O.P.No.27729 of 2024

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.

06.11.2024

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Crl.O.P.No.27729 of 2024

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.27729 of 2024

06.11.2024