



Crl.O.P.No.27691 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 offence punishable under Sections 296(b), 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita 2023 in Crime No.252 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 02.11.2024 due to previous enmity between the accused and the defacto complainant's brother the accused have abused the defacto complainant in filthy language intimidated him and assaulted him resulting in the defacto complainant sustaining grievous injuries.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence and the injured has been discharged from the hospital. He further submitted that as per the FIR the petitioner has said to have been assaulted the victim, it is a case in counter. Hence, he prayed to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, there was some wordy quarrel and the injured discharged from the hospital. He further submitted that 4 previous cases are pending against the petitioner. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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 XXIII Metropolitan Magistrate, Saidapet, Chennai*, on condition that the petitioner shall execute a bond for a sum of **Rs.5,000/- (Rupees Five 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:



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(a) 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 Cuddalore OT Police Station everyday at 10.30 a.m., for a period of one month and thereafter appear before the respondent police everyday at 06.30 p.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]***; and;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

05.11.2024

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