



Crl.O.P.No.27787 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), 118(1), 324(4), 303, 351(3) of B.N.S.Act in Crime No.588 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Riyaz Dheen is that on 29.10.2024 at 12.00 noon, due to previous enmity, the accused had abused the defacto complainant and damaged the Toyota Innova Hycross car and mobile phone and also caused bleeding injuries. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case due to political animosity. He would submit that injured has been discharged from the hospital. He would submit that a counter case is also given by the petitioner and the petition enquiry is pending. 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 grant of anticipatory bail to the petitioners stating that due to political enmity, the petitioners have abused the defacto complainant, assaulted him, caused bleeding injuries and also caused damage to the four wheeler and a mobile phone. He would submit that 1st and 4th petitioners have been arrested formerly in Crime No.587 of 2024 on 14.11.2024 and they were also formally shown as accused in this case and there is no previous case as against other petitioners.

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

6. In reply, the learned counsel for petitioners would submit that he is not pressing the petition in respect of 1st and 4th petitioners. Accordingly, this Criminal Original Petition is dismissed as not pressed as against 1st and 4th petitioners.

7. As far as other petitioners 2,3 and 5 to 7 are concerned,



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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 there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners 2,3 and 5 to 7 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 on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate, Pallavaram**, 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



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Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 2 and 3 are women, they shall report before the respondent police everyday at 10.30 a.m. for the period of one week and thereafter as and when required.

[c] the petitioners 5 to 7 shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, on every Saturday at 10.30 a.m. until further orders.

[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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 269 of B.N.S.

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