



Crl.O.P.No.27858 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 109(1) of BNS, 2023 in Crime No.343 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.10.2024, the petitioners in an inebriated condition at TASMACH shop, assaulted the de facto complainant with knife, due to which, he sustained grievous injuries on his neck. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and during a drunken brawl between the petitioners and the de facto complainant at TASMACH shop, the victim had assaulted the petitioners and in order to defend themselves, the petitioners have attacked the de facto complainant. He would further submit that the injured has been discharged from the



Crl.O.P.No.27858 of 2024

WEB COPY

hospital and and the petitioners are also ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of anticipatory bail to the petitioners would submit that the petitioners had abused the de-facto complainant in a filthy language and assaulted him with deadly weapons. Due to which, the de facto complainant had sustained grievous injuries and he was admitted in the hospital. He would further submit that he has been discharged from the hospital.

5. Heard the learned counsel for the petitioners 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 submissions of the learned counsel and the fact that the victim has been discharged from the



CrI.O.P.No.27858 of 2024

hospital, 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 fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Udumalpet**, 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 his Aadhar card or Bank pass Book to ensure their identity;

A.D.JAGADISH CHANDIRA, J.



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Crl.O.P.No.27858 of 2024

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[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m. and 6.30 p.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.

07.11.2024

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Crl.O.P.No.27858 of 2024