



Crl.O.P.No.27832 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS, 2023 in Crime No.275 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 petitioner along with other accused assaulted the de facto complainant, thereby caused grievous injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that that injured has been discharged from hospital and the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) while opposing the grant of anticipatory bail to the petitioner would submit that due to previous enmity, there was a wordy quarrel between the de facto complainant and the accused persons during which, the accused persons attacked the de facto complainant with deadly weapons and caused severe injuries. He would further submit that the accused no.3 to 6 only abetted the other accused persons and did not attack the de facto complainant. He would further submit that the injured person has been discharged from hospital and there is no previous case is pending against 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 of the facts and circumstances of this case, the injured person has been discharged from hospital and there is no previous case is pending against the petitioner, this Court is inclined



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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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Gudiyatham**, on condition that the Petitioner 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 Petitioner 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;

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[b] the Petitioner shall report before the respondent police at 10.30 a.m., for a period of three weeks and thereafter, every Saturday 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, 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.

07.11.2024

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