



Crl.O.P.No.27877 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused No.1, 5 & 6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1) & 351(3) of BNS, 2023, in Crime No.643 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the dispute between the petitioners and the de facto complainant regarding selling and purchasing of auto in the Auto Stand, the petitioners along with other accused abused the de facto complainant and his son in filthy language and assaulted them with wooden stick and threatened them in dire consequences. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in



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this case. He would further submit that there is a case in counter. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while he opposing to the grant of anticipatory bail to the petitioner, would submit that the petitioners were arrayed as A1, A5 and A6 in this case and A2 to A4 were arrested and still in remand and there are no previous cases pending as against the petitioners. He would further submit that there is a case in counter and the injured persons were discharged from hospital.

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



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6. Taking into consideration of the facts and circumstances of this case, A2 to A4 were arrested and still in remand and there are no previous cases pending as against the petitioners, 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.1, Bhavani**, 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;



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