



Crl.O.P.No.28047 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 offences punishable under Sections 296(b), 115(2) & 74 of BNS in Crime No.190 of 2024, seeks anticipatory bail.

2.The case of the prosecution as per the de facto complainant is that during a quarrel between the petitioner and the de facto complainant, the petitioner along with other accused assaulted the de facto complainant with hands. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, the learned counsel prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner



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submitted that on the date of occurrence, the petitioner assaulted the de facto complainant. He further submitted that the petitioner has seven previous cases.

5.In reply, the learned counsel for the petitioner submitted that out of the seven previous cases five are under the Gambling Act and the Lottery Act, registered between 2011 and 2021. He further submitted that the petitioner has no recent cases under the IPC.

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

7.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either sides and the fact that there are no recent cases pending against the petitioner under IPC, this Court is inclined to grant anticipatory bail to the petitioner.

8.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 **Judicial Magistrate No.I,**



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Mettur, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 conditions that:

[a] the petitioner shall report before the respondent police daily at 06.30 p.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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];

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

15.11.2024

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Dated: 15.11.2024