



Crl.O.P.No.28043 of 2024

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WEB SUNDER MOHAN, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 118(1) and 351(2) of BNS 2023, in Crime No.211 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.10.2024 at about 11.00 a.m, there was a wordy quarrel between the petitioner and the defacto complainant's husband with regard to the parking of their cars, that the defacto complainant's husband had dashed the car of the petitioner, as a result, of which, the petitioner scolded the defacto complainant's husband in filthy language and also assaulted him with iron rod.

3.The learned counsel for the petitioner would submit that the defacto complainant and her husband are the aggressors, that the petitioner has been falsely implicated in this case; that the injury sustained by the defacto complainant is simple in nature; and that custodial interrogation of the petitioner is not necessary in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.28043 of 2024

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4.The learned Government Advocate (Crl. Side) would submit that the victim was admitted in the hospital and thereafter discharged. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6.Considering the nature of dispute, nature of injuries sustained by the victim, the fact that the injured is discharged from the hospital and the fact that the custodial interrogation of the victim is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the **District Munsif cum Judicial Magistrate Court, Yercaud**, on condition that the petitioner shall execute a 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 said



Crl.O.P.No.28043 of 2024

Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily 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.

11.11.2024

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Crl.O.P.No.28043 of 2024

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Crl.O.P.No.28043 of 2024

11.11.2024