



Crl.O.P.No.28051 of 2024

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WEB SUNDER MOHAN, J.

The Petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 324(2), 351(3) of BNS, in Crime No.289 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours and that quarrel arose between them relating to the bursting of crackers during diwali festival; that pursuant to the quarrel, the petitioners attacked the defacto complainant with a broken liquor bottle. Hence, the case.

3.The learned counsel for the petitioner would submit that the defacto complainant is the aggressor and the respondent has falsely implicated the petitioner in this case; that the injuries are minor in nature; and that the custodial interrogation of the petitioner is not necessary. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner attacked the defacto complainant with a broken liquor bottle,



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causing injuries, and that the victim was admitted to the hospital and thereafter discharged. However, he vehemently opposed the grant of 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, and the fact that the defacto complainant has been discharged from the hospital and the custodial interrogation of the petitioner is not required, 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 **Judicial Magistrate Court, Paramathi, Namakkal District**, 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



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the police officer who intends to arrest or to the satisfaction of the said 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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