



Crl.O.P.No.28032 of 2024

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), 118(1), 126(2) and 351(3) of BNSS, 2024, in Crime No.311 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the petitioner and the de facto complainant, due to which a wordy quarrel arose and the petitioner attacked the de facto complainant with iron rod causing head injury. Hence, the case.

4.The learned counsel for the petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would also submit that there is a land dispute between the petitioner and the de facto complainant, due to which a false case has been registered against him. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



5.The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing for grant of anticipatory bail to the petitioner, submitted that the petitioner attacked the de facto complainant with iron rod and caused head injury. Now, the de facto complainant has been discharged from hospital and there is no previous case pending against the petitioner.

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

7.Considering the above facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, I am 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 No.1, Combined Courts, Mettur**, 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 Magistrate,



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

[b] the petitioner shall stay at Dharmapuri and report before the Dharmapuri Police Station daily at 10.30 a.m. until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police station 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.

08.11.2024

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