



Crl.O.P.No.28070 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 324(4) & 351(3) of BNS and u/s.4 of the TNPHW Act in Crime No.541 of 2024, seek anticipatory bail.

2.The case of the prosecution as per the de facto complainant is that the accused persons, who had come to refuel their vehicle at the petrol station, misbehaved with the female employee, when it was questioned, they have proceeded to assault other employees present at the scene of occurrence. Hence the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The learned counsel further submitted that there was a shortage in the fuel dispensed, when it was questioned, there was a quarrel ensued and the petitioners were assaulted by the employees, whereas the



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complaint was falsely lodged as if the petitioners were assaulted the employees.

Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners submitted that the petitioners misbehaved with the female employee, when it was questioned, they have assaulted the other employees. The learned counsel further submitted that the first Accused caused damaged to the billing machine. The learned counsel further submitted that injured has already been discharged from the hospital and there is no previous cases pending against the petitioners.

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

6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the first accused caused damage to the billing machine and there is no previous cases pending against the petitioners and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to



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the second petitioner with certain conditions and dismissed this petition as against the first petitioner.

7. Accordingly, this petition is dismissed as against the first petitioner and the second 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 Additional Mahila Court, Krishnagiri**, on condition that the second petitioner 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 second petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent police everyday at 6.30 p.m., until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the second 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 petitioners in accordance with law as if the conditions have been imposed and the second 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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