



Crl.O.P.No.28090 of 2024

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SUNDER MOHAN, J.

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 115(2), 118(1), 351(3) of BNS 2023, in Crime No.252 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.11.2024, due to previous enmity, the petitioner and the defacto complainant's brother entered into a wordy quarrel, as a result of which, the petitioner abused the defacto complainant in filthy language and also attacked him with hands. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has already lodged a complaint against the defacto complainant's brother, and thereafter, the petitioner was falsely implicated by the defacto complainant and it is a case and counter case; and that custodial interrogation is not required in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the altercation took place between the petitioner and the defacto complainant's brother at a funeral ceremony of a relative of the defacto complainant, due to previous enmity; that the petitioner has also lodged a complaint against the defacto complainant and the injuries are minor in nature; and 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 fact that it is a case of case and in counter case, that the injuries sustained by the defacto complainant is minor in nature, and the custodial interrogation of the petitioner 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



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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 **XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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 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]**;



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

11.11.2024

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