



Crl.O.P.No.28064 of 2024

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SUNDER MOHAN, J.

The Petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 132 of the BNS, 2023 in Crime No.114 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioners 2 to 4 is that, when the respondent police went to arrest the main accused/A1 for the offence under Section 4(1)(g), 4(1)(a) r/w Section 4(1-A) of TNP Act in Crime No.114 of 2024, the petitioners 2 to 4 threatened to commit suicide, thereby preventing the respondent from arresting A1. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioners are falsely implicated and that they had not threatened the respondents that in any case, the custodial interrogation is not required in this case, and prayed for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioners 2 to 4 had attempted to commit suicide by pouring kerosene, as a result of which, the respondent police could not arrest the main accused/A1; that Therefore, the FIR was registered under Section 132 of the Bharatiya Nyaya Sanhita (BNS); that the petitioners have one previous case, pending against them and 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. The learned counsel for the petitioner after seeking submission for a while sought for permission to withdraw as against the petitioner/A1, and made an endorsement to that effect. Hence, the anticipatory bail petition in respect of A1 is dismissed as withdrawn.

7.Considering the nature of the allegation, the fact that the petition as against the main accused/A1 is dismissed as withdrawn, and the petitioners



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have one previous case, and the fact that the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 subject to the following conditions:

(a) Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Harur**, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 2 to 4 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



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Petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the Petitioners 2 to 4 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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