



Crl.O.P.No.28108 of 2024

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SUNDER MOHAN, J.

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 116(2), 118(1) and 74 of BNS, 2023, in Crime No.271 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, on account of previous enmity, had abused the defacto complainant in filthy language, threatened him with dire consequences and attacked him with hands. Hence, the case.

4.The learned counsel for the petitioners would submit that the defacto complainant is the aggressor and has lodged a false complaint and that the injury in any case minor in nature and custodial interrogation of the petitioners does not require for the purpose of investigation. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



5.The learned Government Advocate (Crl. Side) submitted that due to previous enmity, the petitioners abused the defacto complainant in filthy language and assaulted him with hands. He further submitted that the victim sustained minor injuries and has been treated as outpatient and that the investigation is in progress. However, he vehemently opposed for grant of anticipatory bail.

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

7.Considering the nature of allegations; the offences committed by the petitioners; the fact that the injuries are minor in nature; and that custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners 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**



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Magistrate, Ambur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each with two sureties (one of the surety shall be either the father or the mother of the petitioners), 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 shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners 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 Petitioners 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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