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Crl.O.P.No.28101 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 127(2), 115(2), 118(1), 351(2) of B.N.S., 2023 in Crime No.340 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant Suresh Kumar is that on 01.11.2024, the petitioners/accused in an inebriated condition abused the defacto complainant in filthy language and also assaulted him. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would submit that it is a case in counter, the defacto complainant is the person, who has assaulted the petitioner and on the complaint given by the petitioner, the F.I.R. in Crime No. 339 of 2024 has been registered against the defacto complainant. He would submit that the defacto complainant has been arrested and he is judicial



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custody. He would submit that there is no previous case pending against him. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that it is a case in counter and as far as the allegation in this case against the petitioners is concerned, they have abused the defacto complainant in filthy language and also assaulted him.

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 there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before



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the learned Judicial Magistrate-I, Attur, Salem District, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupee s 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 petitioners 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, as and when required.

[c] the petitioners 2 and 3 shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, on every Saturday at 10.30 a.m. until further orders.



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[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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