



Crl.O.P.No.28141 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 in Crime No.317 of 2024, seek anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties.

3.The case of the prosecution is that on 01.11.2024 around 10.15 pm when the de facto complainant on the way back home, the petitioners along with other accused attacked him, while so, there was a quarrel between them, resulting in injuries to the de facto complainant. Hence the case.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and in no way they are connected with the said offences as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there is a family dispute between the parties. He further submitted that the petitioners are ready and willing to abide by any condition that may be imposed on them.



5.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioners submitted that there was a family dispute between the parties and on the date of occurrence there was a wordy quarrel between the them, resulting in injuries to the de facto complainant. He further submitted that the injured has been discharged from the hospital.

6.Taking into consideration the facts of the case and the submission that the injured was already discharged from the hospital and taking note of the fact that the incident has happened only during the quarrel, I am inclined to grant anticipatory bail to the petitioners subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate I, Pollachi, on condition that the petitioners 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, on further condition that:



[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[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.

12.11.2024

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Dated: 12.11.2024