



Crl.O.P.No.28140 of 2024

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SUNDER MOHAN, J.

The petitioners/A2 – A5, A8 and A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 109 of BNS, 2023, in Crime No.218 of 2024, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 01.11.2024, the petitioners along with others had clashed with another group of persons, as a result of which, the petitioners had attacked the defacto complainant and his friends with hands. Hence, the case.

4.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have no previous cases against them and their custodial interrogation is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail to the petitioners.



5.Per contra, the learned Government Advocate (Crl. Side) submitted that the case has been registered on the complaint given by the defacto complainant. He further submitted that some of the accused were arrested and remanded to judicial custody and the injured has been discharged from the hospital. 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 levelled against the petitioners and the petitioners are first time offenders; that custodial interrogation of the petitioners is not required for investigation; the nature of injuries; and that the injured has been discharged from the hospital, 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 Magistrate No.II, Attur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each with two



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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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