



Crl.O.P.No.28274 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS in Crime No.617 of 2023, seek anticipatory bail.

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

3.The case of the prosecution is that due to previous enmity, the petitioners along with other accused, waylaid the de facto complainant and assaulted him with a wooden log, causing him to sustain injuries. Hence the case.

4.The learned counsel for the petitioners submitted that the petitioners are arrayed as A2 to A4 and they are innocent persons and they have been falsely implicated in this case. He further submitted that there is no previous case pending against the petitioners and the first accused was already arrested and released on bail. He further submitted that the petitioners are ready and willing to abide by any condition that may be imposed on them.



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5.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioners submitted that the petitioners along with other accused had assaulted the de facto complainant, resulting in him sustaining injuries. He further submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioners.

6.Taking into consideration the facts of the case and the submission that the petitioners have no bad antecedents and the injured has been discharged from the hospital, 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, Thiruthuraipoondi** 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:



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[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 **06.30 p.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