



Crl.O.P.No.28305 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 296(b), 118(1) and 351(2) of BNS, in Crime No.102 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on account of previous enmity regarding management of Temple, the accused abused the de-facto complainant and assaulted him resulted in him sustaining injuries over the body. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and due to dispute regarding managing a Temple, a false complaint has been given against him. He would submit that the injury said to be discharged from the hospital and thereby he would seek for anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent while opposing to grant of anticipatory bail to the petitioner would submit that during a dispute regarding management of Temple, the



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accused have assaulted the de-facto complainant resulting him sustained injury. He would submit that the injured has been discharged from the hospital and no previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Sendurai**, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on



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further condition that:

[a] the petitioner 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 petitioner shall stay at Tambaram and the petitioner shall report before the Kilpauk Police Station on everyday at 06.30p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 269 BNS.

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