



Crl.O.P.No.28395 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner-A5, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 191(2), 191(3), 115, 118(1) and 351(2) of BNS Act, in Crime No.477 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 29.10.2024 at about 4.15pm while the de-facto complainant was talking with his friends near Iyyappan temple, the accused persons along with others, abused the de-facto complainant in filthy language and also assaulted him and caused injuries and they also threatened him with dire consequences. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and due to wordy quarrel, a false complaint has been given against him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that due to wordy quarrel, the petitioner had



attacked the de-facto complainant and also sustained injury over the body. The injured had been discharged from the hospital. However, he opposed for grant of anticipatory bail to 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 Judicial Magistrate No.1, Tambaram**, 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 further



condition that:

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[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 report before the respondent Police, on everyday at 06.30p.m., for a period of two weeks, and thereafter on everyday at 6.30p.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 229A IPC.

13.11.2024



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