



Crl.O.P.Nos.28477 and 28478 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 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 109 of BNS Act 2023, and 191(2), 296(b), 351(3) and 132 of BNS Act 2023 in Crime Nos.218 and 219 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that in respect of dispute regarding kabadi match, the accused group, clashed with the de-facto complainant group and assaulted them with hands and wooden log. Based on the complaint by the de-facto complainant, a case in Crime No.218 of 2024 was registered. Further, on information when the Police had come to the scene of occurrence, the accused abused and prevented the police from discharging their official duty and thereby based on the complaint of the police, a case in Crime No.219 of 2024 was registered for the offences under Sections 91(2), 191(3), 296(b), 115(2), 118(1), 351(3) and 109 of BNS, and 191(2), 296(b), 351(3) and 132 of BNS, 2023. Hence the cases.



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

4. The learned Government Advocate (Criminal Side) for the respondent while opposing for grant of anticipatory bail to the petitioner would submit that the petitioner is a temporary Assistant working at B.D.O office and due to the group rivalry, he along with other accused have assaulted the de-facto complainant with hands and legs and also a wooden log. He would further submit that the injured had been discharged from the hospital.

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 the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner in both cases 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 Magistrate Court No.II, Attur, Salem District**, 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:

[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, everyday at 06.30 p.m., until further orders;**

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



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[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 absconds, a fresh FIR can be registered under Section 269 of BNS.

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