



Crl.O.P.No.28598 of 2024

A.D.JAGADISH CHANDIRA,J.

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The petitioners/A2&A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 126(2), 296(b), 118(1), 351(3) BNSS, in Crime No.1233 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that on 01.11.2024, when the de-facto complainant and his sister was returning from their relatives house in two wheeler, the petitioners and 4 others restrained the de-facto complainant and his sister abused them with filthy languages and thereafter when the de-facto complainant dropped his sister in house again the de-facto complainant went along with brothers and assaulted by the petitioner using bottles and caused injury, Hence, this case.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case based on the confession of A2&A5. Hence, prayed for grant of anticipatory bail to the petitioners.

4.The learned Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the the petitioners and 4 others restrained the de-facto complainant and his sister abused them with filthy languages and again the de-facto complainant went



along with brothers and assaulted by the petitioner using bottles and caused injury. He further submitted that the injured has been discharged from the hospital and that there is no previous case against the petitioners.

5. Heard the learned counsel for the petitioners, the learned Advocate (Crl. Side) appearing for the respondent police and also perused the materials available on record.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 on which the order copy made ready, before **the learned Judicial Magistrate-II, Poonamallee, Chennai**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners 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 petitioners shall report before the respondent police everyday at 06.30p.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 of B.N.S.

15.11.2024

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