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Crl.O.P.No.28741 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351(3) of B.N.S., 2023 in Crime No.916 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Vijaikumar is that on 29.10.2024, due to previous enmity, while the petitioner along with his friends having alcohol in vacant land and on seeing them, the defacto complainant's brother questioned about the same at that time, the petitioner/accused in an inebriated condition abused the defacto complainant in filthy language and also assaulted him with brick, resulting in which, he lost his four teeth. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent persons and he has not committed any offence as alleged by the prosecution and he has been falsely implicated



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in this case. He would submit that it is a case in counter and the defacto complainant and his brother are the aggressors and they have assaulted the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that it is a case in counter and as far as the allegation in this case against the petitioner is concerned, he had abused the defacto complainant and assaulted him with brick, due to which he lost his four teeth. He would submit that there is no previous case pending against him.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that it is a case in counter and during wordy quarrel, the incident was happened and there is no previous case pending against



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the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court-II, Kanchipuram**, on condition that the petitioners 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.



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[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 of B.N.S.

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