



Crl.O.P.No.28952 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 118(1) and 351(3) of BNS in Crime No.234 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Kumaresan has lodged a complaint to the respondent police, stating that the petitioner along with other accused abused and assaulted the defacto complainant and his friends, and threw a tea glass on the defacto complainant, thereby the defacto complainant sustained injury. It is further stated that the petitioner threatened the defacto complainant and his friends with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and he has been falsely implicated in this case. He would further submit that the defacto complainant and his friends under the influence of alcohol started abusing the



petitioner and slapped his friend, A1 namely Danush and they started to attack the petitioner and his friends. Due to which, the petitioner herein had thrown the tea glass on the defacto complainant without any intention and motive and only as self-defence. He would further submitted that A1 was arrested and released on bail and further the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for the grant of anticipatory bail to the petitioner, submitted that the petitioner along with other accused assaulted the defacto complainant and his friends by throwing tea glass, thereby the defacto complainant sustained injuries and discharged after 13 days. He would further submit that the petitioner has no previous case and investigation is still pending.

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.



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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 petitioner has no previous case, 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 Metropolitan Magistrate, Saidapet** 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 6:30 p.m., until further orders.

A.D.JAGADISH CHANDIRA, J.

stn



Crl.O.P.No.28952 of 2024

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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 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 B.N.S.

20.11.2024

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