



Crl.O.P.No.28959 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 in Crime No.612 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant and his friend had consumed liquor in the pathway of A1, there aroused a wordy quarrel with the first petitioner/ A1, thereby both parties exchanged blows. It is also further stated that A1 had assaulted the defacto complainant using iron rod and A2 using his legs, thereby the defacto complainant sustained injury. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution. He would further submit that the defacto complainant had consumed alcohol along with his friend in the first petitioner's place, while questioning the same, a wordy quarrel arouse and both parties exchanged blows



and a case in counter has also been registered. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioners, stating that the petitioners have abused the defacto complainant and assaulted him using iron rod, thereby the defacto complainant sustained injuries. He would further submit that the injured has been discharged from the hospital, a case in counter has been registered, the petitioners have no previous case and investigation is still pending.

5. Heard the learned counsel for the petitioners, 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 counsels on either side and considering the fact that the petitioners have no previous case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to



the petitioners with certain conditions.

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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, Dharapuram** 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 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 6:30 p.m. for a period of two weeks and thereafter, every Saturday at 6:30 p.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.

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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

20.11.2024

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