



Crl.O.P.No.28983 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 118(1) and 351(3) of Bharitya Nyaya Sanhita, 2023 in Crime No. Not known of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one Sreevarsan lodged a complaint stating that, the petitioner had abused him in filthy language and assaulted him. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has been falsely implicated, based on a false complaint given by the defacto complainant. He would further submit that the petitioner used to purchase electrical items from the defacto complainant's father shop M/s. Shanthi Enterprises on credit and subsequently, paid the entire amount, whereas the electrical motor worth about Rs.12,000/-, which was purchased from the defacto complainant's father was not functioning, therefore, there was a dispute regarding payment for the same. But, the defacto



complainant after taking over the said shop, used to call the petitioner, for the payment of the said electrical motor and further, trespassed into the petitioner's house, abused and assaulted him along with his hooligans. He would further submit that the petitioner has also raised complaint against the defacto complainant and 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 opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner had abused and assaulted the defacto complainant, due to a money dispute between them, related to purchase of an electric motor. He would further submit that the petitioner is not having any previous case and the 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 Judicial Magistrate, Tiruchengode** 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.



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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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