



Crl.O.P.No.29076 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296 (b), 115(2), 118(1), 351(3), 74, 324(4) and 324(5) of BNS , 2023 read with Section 3 of TNPPDL Act in Crime No.189 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that since the defacto complainant had questioned the accused for threatening his client, the accused had abused and assaulted the defacto complainant causing injuries and they have also damaged the de facto complainant's car. Hence the case.

3. Learned counsel appearing for petitioner would submit that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner who is working as Constable in Border Security Force, Delhi, was severely assaulted by the other party and he was admitted in hospital. He would further submit that the co-accused were arrested and granted bail by this Court in Crl.O.P.No.28875 of 2024.



Crl.O.P.No.29076 of 2024

He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for 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, would submit that it is a case and a case in counter in Crime No.190 of 2024. He would further submit that during the quarrel, both the parties had assaulted each other causing injuries and damaged the properties. He would further submit that the injured was discharged from the hospital and there is no previous case pending as against the petitioner.

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 the injured was discharged from the hospital and there is no



previous case pending as against 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate Court, Neyveli** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** 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 on the first Saturday of December, 2024 and January 2025 at 10.30 a.m. and thereafter, as and when required for interrogation;**



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Crl.O.P.No.29076 of 2024

A.D.JAGADISH CHANDIRA, J.,

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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 B.N.S.

25.11.2024

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Crl.O.P.No.29076 of 2024