



Crl.O.P.No.29093 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 49, 296(b) and 118(1) of BNS, 2023 altered as Sections 49, 296(b), 118(1), 126(1) & 109(1) of BNS 2023 in Crime No.600 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had attacked the defacto complainant with cricket stump and thereby, he sustained head injuries. The accused had also abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that, now the accused and the defacto complainant had compromised with each other. Hence, he prayed for grant of anticipatory bail to the petitioner.



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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 the petitioner along with other accused had attacked the defacto complainant with cricket stump and thereby, he sustained head injuries. The accused had also abused the defacto complainant in filthy language and threatened with dire consequences. He would further submit that the petitioner has two previous cases and the injured has been discharged from hospital after two days.

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 taking note of the fact that, the injured person has been discharged from the hospital, 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 No.III, Tiruppur 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 everyday at 6:30 p.m., for a period of one week and thereafter, on the first Saturday of every month at 6:30 p.m., until further orders.

[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.



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

25.11.2024

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