



Crl.O.P.No.29145 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection in connection with Crime No.208 of 2024, registered for the offences punishable under Sections 296(b), 115(2), 118(1) & 351(3) BNS Act, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant had enmity due to a land dispute and on 26.10.2024, the petitioner quarrelled with the defacto complainant and thereby assaulted the defacto complainant due to which the defacto complainant had lost his teeth. Hence the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He further submits that the petitioner's wife filed a suit in O.S.No.69 of 2022 before the learned District Munsif cum Judicial Magistrate, Kunnam. That apart, the son of the defacto complainant filed a suit in O.S.No.9 of 2022 before the above said Court. The defacto complainant already lodged a criminal case registered as Crime No.53 of 2022 before the Sub Inspector of Police,



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Maruvathur and also filed a case in Crime No.208 of 2024 before the aforesaid police station. On 26.10.2024, the defacto complainant and his wife quarrelled with the petitioner and beaten the petitioner and the wife of the defacto complainant spitted saliva on the face of the petitioner and thereby, the petitioner also lodged a complaint which was registered as Crime No.209 of 2024 on the file of the respondent police. He further submits that petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that on 26.10.2024, due to previous enmity, related to land dispute, the petitioner quarrelled with the defacto complainant and thereby assaulted the defacto complainant due to which the defacto complainant had lost his teeth. He further submits that it is case of case and counter and the same are pending before the respondent police. He would further submit that there is one previous case pending as against the petitioner.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail



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to the petitioner with certain conditions.

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6. 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 Judicial Magistrate-II, Perambalur**, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on every day at 10.30 a.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



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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 Section 269 of B.N.S.

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