



Crl.O.P.No.29407 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/Accused No.1 & 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 324(4), 296(b), 115(2), 118(1), 351(3) of BNS, 2023 in Crime No.428 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a property dispute, the accused had assaulted the defacto complainant with stick and stone and thereby, caused injury. Hence the case.

3. Learned counsel appearing for petitioners would submit that petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the



respondent police, while opposing for the grant of anticipatory bail to the petitioners, would submit that the injured has been discharged from the hospital after two days and there are no previous cases pending as against the petitioners.

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 counsel on either side and also considering the fact that the injured has been discharged from the hospital and no previous cases pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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, Vikravaandi** 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 10.30 p.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.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.

[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



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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.

25.11.2024

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