



Crl.O.P.No.29260 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.347 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the 3rd petitioner and the de-facto complainant, who is none other than the own sister of 3rd petitioner. The petitioners tried to trespass into the de-facto complainant's house, at that time, a wordy quarrel arose between the petitioners and de-facto complainant, whereby the petitioners abused the de-facto complainant with filthy language and attacked her with hands. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that a counter complaint has been given against the de-facto complainant and a case was registered in Crime No.348 of 2024. He would further submit that the petitioners are ready to abide by any



condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl. Side) would submit that due to a civil dispute a wordy quarrel arose between the petitioners and de-facto complainant, who is none other than the own sister of 3rd petitioner. The petitioners abused the de-facto complainant in filthy language and attacked her with hands. He would further submit that there is no previous case pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and there is a case and case in counter and that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Sankari**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police daily at 06.30 p.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 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 BNS.

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