



Crl.O.P.No.29270 of 2024

A.D.JAGADISH CHANDIRA, J.

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The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 115(1) and, 351(3) read with 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.203 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the de-facto complainant and his family members were burning crackers in front of their house, the petitioners and another accused abused them in filthy language and attacked them using plastic chair and soda bottle and caused injuries. 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 the injured have been discharged from the hospital. 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.



4.The learned Government Advocate (Crl. Side) while opposing for grant of anticipatory bail to the petitioner would submit that the petitioners and another accused attacked the de-facto complainant and his family members while they were burning crackers, using plastic chair and soda bottle and caused injuries. He would further submit that the injured were discharged from the hospital. He would further submit that there is no previous case against 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 also the fact that the injured have been discharged from the hospital and that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Sendhamangalam**, on condition that the petitioners shall



execute a bond each 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 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.

[d] 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.

22.11.2024

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