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Crl.O.P.No.29288 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.1137 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 2nd petitioner is the elder brother of de-facto complainant. The petitioners and de-facto complainant are relatives. When the de-facto complainant was at his home, the petitioners trespassed into the de-facto complainant's home and enquired as to why he took away the fuse carrier and assaulted him, thereby the de-facto complainant sustained injury. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners and de-facto complainant are relatives. Due to a property dispute, a false complaint has been given against the petitioners. He would further



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submit that a counter complaint has been given against the de-facto complainant and a case was registered in Crime No.1136 of 2024. He would further submit that the injured has been discharged from the hospital. He would further submit that the 1st petitioner is working as a Manager in Kotak Mahindra Bank, Coimbatore and 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 petitioners would submit that the petitioners and de-facto complainant are relatives. There was a counter compliant filed against the de-facto complainant in Crime No.1136 of 2024. He would further submit that the injured was discharged from the hospital. He would further submit that no previous case is pending 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.



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6.Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and that no previous case is pending against the petitioners and also taking note of the fact that there is a case and case in counter, 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, Palladam**, 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 1st petitioner shall report before the Inspector of Police, Kattur Police Station, Gandhipuram, Coimbatore daily at 06.30 p.m. for a period of one week and thereafter on every Saturday at 06.30 p.m., until further orders,



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[c] the 2nd and 3rd petitioners shall report before the respondent police daily at 06.30 p.m. for a period of one week and thereafter on every Saturday at 06.30 p.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

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