



Crl.O.P.No.29917 of 2024

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SUNDER MOHAN, J.

The petitioners/Accused No.1 & 2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 126(2), 296(b) and 309(6) of BNS, 2023 in Crime No.496 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 31.10.2024, at about 5:30 p.m., the defacto complainant and his colleague went to buy groceries. At that time, the petitioners and two others stopped the defacto complainant, assaulted him and robbed Rs.1,550 from the defacto complainant. Hence, the case.

3. Learned counsel appearing for petitioner would submit that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there was wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners had assaulted him. He would further submit that



Crl.O.P.No.29917 of 2024

the petitioners are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) for the respondent Police, on instructions, would submit that the injured person has been discharged from hospital and there are no previous cases pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration of the nature of allegations against the petitioners and also taking note of the fact that no previous case is pending as against the petitioners and custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail



Crl.O.P.No.29917 of 2024

to the petitioners with certain conditions.

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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 No.5, Salem** on condition that the petitioner 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 daily at 10.30 a.m., until further orders;



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Crl.O.P.No.29917 of 2024

SUNDER MOHAN, J.

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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

29.11.2024

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Crl.O.P.No.29917 of 2024