



Crl.O.P.No.32435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

Crl.O.P.No.32435 of 2024

Riyaz Khan

... Petitioner

Vs.

State through
The Inspector of Police,
Race Course Police Station,
Coimbatore District.
(Crime No.590 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, to release the petitioner on bail in the event of his arrest in Crime No.590 of 2024, on the file of the respondent police pending investigation.

For Petitioner : Mr.M.Manimuthu

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 118(1),



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351(2) of BNS, in Crime No.590 of 2024, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and the defacto complainant are Police Constable working in Central Prison, Coimbatore. When the defacto complainant requested the petitioner to pick him to the central prison, the petitioner refused to pick him and due to which there was a wordy quarrel between them. Further it is alleged that the petitioner abused the defacto complainant with filthy language and assaulted him with iron rod and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner in drunken mood



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assaulted the defacto complainant with iron road. He further submits that the injured discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, and considering the fact of the case and the injured discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.3, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on



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further condition that:

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[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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rts/ssi



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To

1. The Inspector of Police,
Race Course Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.



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L.VICTORIA GOWRI, J.

rts

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