

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,
Vacation Sessions Judge, Theni,

Dated this the 11th day of May 2024

CrI.M.P.No.58/2024

CNR.No.TNTH00-0000058-2024

Ruthuman Ali

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Kombai P. S. in

Cr.No.74/2024

U/s.294(b), 427, 506 (ii) of IPC

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.Y.Rahim Raja, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows:

On 26.04.2021 at about 6.00 p.m., the petitioner and one Thangappan were sitting in a autorickshaw belongs to the complainant. On questioning the petitioner and another one for being sitting in the autorickshaw, the petitioner assaulted the complainant and abused him with filthy language. Further the petitioner caused damage to the autorickshaw. Therefore the case registered against them U/s.294(b), 427 and 506 (ii) of IPC.

3. Heard both sides.

4. The points for determination is the can anticipatory bail be granted to the petitioner?

Answer :

5. The FIR and reply given by police are perused. Though these alleged in the FIR that petitioner hit the complainant against EP Pole and caused injuries, the complainant has not admitted in the hospital. Having considered the facts and circumstances of the case, I inclined to release the petitioner on anticipatory bail.

6. Therefore it is ordered that in the event of his arrest by the Respondent or on his surrender before the Learned Judicial Magistrate at Bodinayakkanur within 15 days from the date of this order, he shall be released on anticipatory bail on his executing a bond for sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum. Following conditions are imposed on him :-

i) He shall appear before the SHO Kombai Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 30 days from the date of release on bail.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. 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 laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

..3..

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 11th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Bodinayakkanur.

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Kombai.