

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 13th day of May 2024

Cr1.M.P.No.61/2024

CNR.No.TNTH00-000061-2024

Muthuraj

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Allinagaram P. S. in

Cr.No.112/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. P. Balamurugan, 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.439 of Code of Criminal Procedure seeking bail.

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

On 09.04.2024 at about 9.45 p.m., the Police Party raided the place at graveyard Annanji. In that place the accused were found possessing Ganja in their two wheeler. On enquiry the Police Party secured two accused namely Kali and Sasi and their two wheeler towards Police Station. On the way the petitioner and co accused attacked the Police Party and made escape the two secured accused persons. In the incident the complainant who is Police Constable was severely injured. Therefore the case registered against the petitioner U/s.147, 294(b), 323, 353 and 307 of IPC.

3. Heard both sides.

4. The points for determination is that can the petitioner be released on bail ?

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Answer :

5. The FIR and reply given by the Police are perused. The FIR prima facie shows that the petitioner attacked the Police Party and retrieved the secured accused persons from the custody of the Police Party. In the incident more than 20 persons involved in attacking the Police Party. The prosecution submitted that the investigation is still pending and other co accused are at large. The incident took place while the Police Party discharging their duty. In the incident Police Constable is also got injured severely. So, nature of the offence is was severe and further investigation is necessary for securing co accused. Considering all the facts into account, the petitioner is not entitled for bail.

In result, this bail petition is dismissed.

Pronounced by me in open Court on this the 13th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Theni.