

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

CrI.M.P.No.40/2024

CNR.No.TNTH00-0000040-2024

Karthick

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Kombai P. S. in

Cr.No.69/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. P. Valagurunathan, 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 20.04.2024 at about 11.00 p.m., the defacto complainant and his brother quarelled each other. Following which the petitioner trespassed into the house of complainant and assaulted him with wooden log as well as causing damage to washing machine. So the case registered against the petitioner U/s.448, 294(b), 323, 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. The FIR would show that the petitioner assaulted the complainant and caused damage to his property after quarrel ensued between the complainant and his brother. The petitioner and complainant are close relatives. Further the complainant has not been admitted in the hospital. Having considered all 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 Bodinayakanur 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 the petitioner :-

i) He shall appear before the SHO Kumbai Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 25 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 13th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Bodinayakanur.

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Kombai.