

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 14th day of May 2024

Cr1.M.P.No.45/2024

CNR.No.TNTH00-000045-2024

1. Vincent

2. Vijaya

3. Vijay @ Vijayan

4. Sasikumar

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

Kurangani P. S. in

Cr.No.14/2024

... Respondent/Complainant

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

ORDER

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

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

On 15.04.2024 during night the petitioners in an inebriated state assaulted the complainant's wife. They also abused with filthy language and intimidated the complainant with dire consequences. So the case registered against the petitioners U/s.294(b), 323 and 506(i) of IPC.

3. Heard both sides.

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

Answer :

5. The FIR and reply given by the Police are perused. The FIR would show that the petitioners committed the offence under inebriated state. The complainant has also expressed apprehension that the petitioners would cause damage to their shop. Having considered the apprehension expressed by the complainant in the FIR, balance is to be struck between the complainant and the petitioners. So, I inclined to release the petitioners on anticipatory bail with stringent conditions.

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

i) The petitioners shall appear before the Learned Judicial Magistrate at Bodinayakanur daily at 10.30 a.m., and 5.00 p.m., for the period of 30 days from the date of their release.

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

iii) The petitioners 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 petitioners 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 14th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Bodinayakanur.

The Public Prosecutor, Theni.

The Petitioners through their Counsel.

The Inspector of Police, Kurangani.