

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 14<sup>th</sup> day of May 2024**

**CrI.M.P.No.82/2024**

**CNR.No.TNTH00-0000098-2024**

1. Yogeswaran

2. Aswanth

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

Cumbum North P. S. in

Cr.No.134/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. P. Sudhakaran, 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 01.05.2024 at about 11.00 p.m., the petitioners caused damage to the Motor bike and pelted brick stone at complainant and thereby caused injury to complainant's mother, further they intimidated them with dire- consequences. So the case registered against them U/s.294(b), 324, 336, 427, 506(ii) of IPC.

3. Heard both sides.

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

**Answer :**

5. The FIR and reply given by police are perused. As disclosed from the FIR, the petitioners caused damage to the Motor bike and pelted brick stone at complainant. The petitioners were under wrong impression that the complainant and his friend teased the petitioner's wife, they committed the offence. The prosecution submitted that no person admitted in the hospital. So having considered the trivial nature of motive behind the incident and the circumstances of the case, I inclined to release the petitioners on anticipatory bail with stringent condition.

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

i) They shall appear before the SHO of Cumbum North 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 anticipatory bail.

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 14<sup>th</sup> day of May 2024.

**Vacation Sessions Judge,  
Theni.**

**Copy to:**

The Judicial Magistrate, Uthamapalaym.

The Public Prosecutor, Theni.

The Petitioners through their Counsel.

The Inspector of Police, Cumbum North.