

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 21st day of May 2024

CrI.M.P. No.93/2024 in

CrI.M.P.No.59/2024

CNR.No.TNTH00-000151-2024

Vijay @ Alagu Vijay

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Devathanapatti P. S. in

Cr.No.58/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. M.Muthamilarasan, 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 09.02.2024 at about 9.00 p.m., when the complainant was returning his home, the petitioner and other accused assaulted the complainant indiscriminately with knife and Iron Rod. Thereafter they intimidated him. Hence the case registered against them U/s.147, 148, 294(b), 342, 324, 506(ii) 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 reveal that the petitioner and co accused formed into unlawful assembly and assaulted the complainant indiscriminately with knife and Iron Rod. Whereby caused severe injuries on the complainant. The prosecution submitted that the investigation is underway. If released on bail, he would abscond and tamper with prosecution witnesses. Since the investigation is pending, it is premature stage to release the petitioner on bail. Further as claimed by the prosecution, there is possibility for the petitioner to abscond from the clutches of law and thereby hampering investigation. Considering the above facts and no change of circumstances made out after dismissing the earlier bail petition, the petition is liable to be dismissed.

In result, this bail petition is dismissed.

Pronounced by me in open Court on this the 21st day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Periyakulam.