

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

Cr1.M.P. No.132/2024

CNR.No.TNTH01-000175-2024

Murugan

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Thenkarai P.S. in

Cr.No.220/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. N.Sudhakaran, 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 11.05.2024 at 6.10 p.m., the petitioner attacked the complainant with lethal weapon indiscriminately and intimidated him. So case registered against him U/s.294(b), 323, 324, 506(ii) and 307 of IPC.

3. Heard both sides.

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

..2..

Answer :

5. As disclosed from the FIR, the petitioner indiscriminately attacked the complainant with lethal weapon. Further FIR shows that previous enmity over money dispute is pending between the complainant and the petitioner. As submitted by the prosecution the victim has been discharged from the hospital. Having considered the fact that the incident occurred over money dispute and that the victim is already discharged, I inclined to release the petitioner on conditional bail.

6. Therefore it is ordered that the petitioner shall be released on conditional bail on his executing a bond for sum of Rs.10,000/- (Rupees Fifteen Thousand Only) with two sureties each for a like sum. The following conditions are imposed on the petitioner :-

i) The petitioner shall appear in person before the SHO Periyakulam Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 30 days after his 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).

..2..

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 21st day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to :-

The Judicial Magistrate, Periyakulam.

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Thenkarai.