

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

Crl.M.P.No.113/2024

CNR.No.TNTH00-0000115-2024

1. Prakash.
2. Prithiv @ Prithiviraj
3. Raman @ Ramakrishnan
4. Saravanan @ Saravanakumar.

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

Devadanapatti P. S. in

Cr.No.167/2024

... 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 10.05.2024 at 11.30 p.m., the petitioners trespassed into the complainant's house and assaulted the husband of the complainant. Further they intimidated them. Therefore the case registered against the petitioners U/s. 147, 448, 294(b), 323, 324, 506(i) of IPC and Section.4 of TNPHW Act.

3. Heard both sides.

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

Answer :

5. The FIR would show that on 10.05.2024 at 9.30 P.M., when the complainant and her husband were watching the cultural programme held in the temple festival, one Muthu Karuppan fell down on the complainant and her husband which ensued wordy quarrel between them. Following which at 11.30 P.M. the petitioners trespassed into the house of the complainant and assaulted them. So the genesis of the crime arose at the temple festival. As submitted by the prosecution, the victim has already been discharged from the hospital. Having regard to the fact that the occurrence took place over trivial dispute and circumstances of the case, I inclined to release the petitioner on anticipatory bail.

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 Periyakulam, within 15 days from the date of this order, they shall be released on anticipatory bail on their each 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 petitioners :-

i) The petitioners shall appear before the SHO Devathanapatty Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 30 days from the date of release on 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 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, Devathanapatty