

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 28th day of May 2024

Crl.M.P.No.184/2024

CNR.No.TNTH00-0000222-2024

Ajith @ Ajithkumar

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Uthamapalayam P.S. in

Cr.No.112/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Tr.P.Arasan, 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.438 of Code of Criminal Procedure seeking anticipatory bail.

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

On 15.04.2024 at 11.30 p.m., at Pillaiyar Temple the petitioner and co-accused abused the victim and assaulted him with knife. Further they intimidated him with dire consequences. Therefore case registered against the petitioner and co-accused U/s.294(b), 323, 324 and 506(ii) of IPC.

3. Heard both sides.

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

Answer :

5. Records perused. As revealed from the FIR, the complainant's son pledged his two wheeler with co-accused namely Ayyanar for a sum of Rs.10,000/-. In turn the said Ayyanar submortgaged the same vehicle for a sum of Rs.17,000/- with another. Over this dispute the occurrence took place. As submitted by the prosecution the victim has been discharged and the investigation is underway. Having considered the motive for the crime being submortgage and the victim has been discharged from the hospital, I inclined to release the petitioner on anticipatory bail with conditions.

6. Therefore it is ordered that in the event of his arrest by the Respondent or on his surrender before the Learned Judicial Magistrate at Uthamapalayam, within 15 days from the date of this order, he shall be released on anticipatory bail on his 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 petitioner :-

i) The petitioner shall appear before the SHO Uthamapalayam Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 20 days from the date of 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).

..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 28th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Uthamapalayam
The Public Prosecutor, Theni.
The Petitioner's through his Counsel.
The Inspector of Police, Uthamapalayam