

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.121/2024

CNR.No.TNTH00-0000207-2024

1. Mariyammal
2. Karuppasamy
3. Kaviya
4. Manimala
5. Sekar.

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

G.Vilaku P.S. in

Cr.No.93/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.T.Rajeshwaran, Learned Counsel for the petitioners and of Thiru.C.Thangaprabhu, Learned Counsel for the Intervener 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 15.05.2024 at 07.00 A.M., in the Government hospital, the petitioners abused the complainant with filthy language and slabbed her with footwear. Thereafter they intimidated the complainant with dire consequences. Therefore the case registered against the petitioners U/s.147, 294(b), 323, 355 and 506(i) of IPC and Section.4 of TNPHW Act.

3. Heard both sides as well as Intervener.

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

Answer :

5. On perusal of FIR, it would show that one Sendrayan is husband of Complainant. He sexually assaulted the petitioner no.3. Over which already scuffle took place between the two parties. Resultantly the petitioners husband was hospitalized. The petitioners who made visit the Government hospital, abused and assaulted the complainant. Having regard to the above facts and 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 Aundipatti, 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 G.Vilaku P.S. daily at 10.00 a.m., and 5.00 p.m., for the period of 20 days from the date of their 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 petitioners/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, Aundipatty

The Public Prosecutor, Theni.

The Petitioner's through their Counsel.

The Inspector of Police, G.Vilaku.