

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 28<sup>th</sup> day of May 2024**

**Crl.M.P.No.157/2024**

**CNR.No.TNTH00-0000128-2024**

1. Subash
2. Karthick
3. Santhiya

... Petitioners/Accused

-Versus-

State through the Inspector of Police,  
Gudalur South P. S. in  
Cr.No.78/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.K.Nandakumar, 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 about 6.00 p.m., the petitioners assaulted the complainant with iron rod after trespassing into his home. Further they intimidated him with dire consequences. Therefore, case registered against them U/s.109, 448, 294(b), 324 and 506(ii) of IPC.

3. Heard both sides.

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

**Answer :**

5. Records perused. The FIR would disclose that prior to the occurrence the complainant peeped through a bathroom where Santhiya was taking bath. Over which wordy altercation ensued between the parties. Following which the incident took place. The prosecution submitted that the victim has already been discharged from the hospital and the investigation is underway. Having regard to the motive for the offence as well as the fact that victim has already been discharged from the hospital, I inclined to release the petitioners on anticipatory bail with stringent conditions.

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 Uthamapalayam, within 15 days from the date of this order, the petitioner 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 of Gudalur South Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 15 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 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).

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 28<sup>th</sup> day of May 2024.

**Vacation Sessions Judge,  
Theni.**

**Copy to:**

The Judicial Magistrate, Uthamapalayam.

The Public Prosecutor, Theni.

The Petitioner's through their Counsel.

The Inspector of Police, Gudalur South.