

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

CrI.M.P.No.185/2024

CNR.No.TNTH00-0000223-2024

Muthuselvam

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Thenkarai P. S. in

Cr.No.233/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.G.Alaguraja, 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 20.05.2024 at about 9.00 p.m., when the complainant was proceeding on his motor cycle, the petitioner waylaid him. He also abused and attacked the complainant with brandi bottle. Therefore case registered against him U/s.341, 294(b), 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. The FIR would reveal that already petitioner borrowed loan from the complainant. After paid the debt, the petitioner insisted the complainant to give further loan to him. Over this dispute the occurrence took place. As submitted by the prosecution, the complainant has not been hospitalized. Having regard to the fact that the incident occurred on account of money dispute and no one got injured in the incident, I inclined to release the petitioner on anticipatory bail with stringent 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 Periyakulam, within 15 days from the date of this order, the petitioner 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 of Thenkarai Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 25 days from the date of 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).

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, Periyakulam.
The Public Prosecutor, Theni.
The Petitioner's through his Counsel.
The Inspector of Police, Thenkarai.