

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.161/2024

CNR.No.TNTH00-000208-2024

Kumaresan

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Rayappanpatty P.S. in

Cr.No.96/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.R.Senthilkumar, 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 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 09.04.2024 at 7.45 a.m., three unknown persons trespassed into the house of complainant and robbed the complainant's cash of Rs.32,000/- and 8 Sovereigns of gold chain at knife point. Therefore case registered against the petitioner and co-accused U/s.453 and 394 of IPC.

3. Heard both sides.

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

..2..

Answer :

Records perused. The FIR unfolded that the petitioner and co-accused trespassed into the house of complainant and robbed her cash Rs.32,000/- and 8 Sovereigns gold chain at knife point. Further they assaulted the complainant with knife and caused injuries. The prosecution submitted that the stolen property has not been recovered. The investigation is underway. As submitted by the prosecution, the investigation is underway and the stolen property are not yet to be recovered, so further investigation is necessary to find out co-accused and to recover the stolen property. So the petitioner is not entitled for bail at this premature stage. Therefore the petition is liable to be dismissed.

In result, this anticipatory bail petition is dismissed.

Pronounced by me in open Court on this the 28th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Uthamapalayam.