

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.139/2024-In-

CrI.M.P.No. 83/2024

CNR.No.TNTH01-000170-2024

1. Sivakumar

2. Surulimurugan

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

Gandamanur P. S. in

Cr.No.54/2024

U/s.294(b), 323, 506(i) of IPC

and 4 of TNPHW Act

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. N. N. Venkadesan, 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 Cr.P.C. for seeking anticipatory bail.

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

On 18.03.2024 at about 7.30 a.m., the petitioners abused with filthy language and assaulted the complainant, her daughter and son. Thereafter they intimidated the complainant with dire consequences. Therefore the case registered against the petitioners U/s. 294(b), 323, 506(i) of IPC and Section.4 of TNPHW Act.

3. Heard both sides.

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

Answer :

5. The petitioners are close relatives of the complainant. Both complainant and the petitioners were irrigating their land by turn from common well over which the occurrence ensued. The prosecution submitted that the petitioner would abscond if released on bail. Considering the relationship between the parties and that the dispute arose over irrigating their common well, 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 Judicial Magistrate Court, Aundipatty daily at 10.00 a.m., and 5.00 p.m., for the period of 30 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, Gandamanur