

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

Cr1.M.P. No.191/2024-In-

Cr1.M.P. No.140/2024-In-

Cr1.M.P.No.50/2024

CNR.No.TNTH00-000024-2024

1. Boss,

2. Palpandi @ Senthilkumar,

3. Jaganathan

... Petitioners/Accused

-Versus-

State through the Inspector of Police,

Devadhanapatti P.S. in

Cr.No.151/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.T.Sathasivam, 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 27.04.2024 at about 10.00 a.m., when the complainant was doing her business in her tea stall, the petitioners assaulted and molested her by pulling her Saree and jacket. Also they caused damage to the tea stall. For pursuant to that, the petitioners stolen away her title deeds, 15 sovereigns of gold and cash at Rs.50,000/- by breaking open bureau. Therefore the case registered against the petitioners U/s.147, 294(b), 323, 354, 427, 448 and 380 of IPC.

3. Heard both sides.

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

Answer :

5. The FIR and reply given by the police are perused. The FIR transpires that on 27.04.2024 at about 10.00 a.m., the petitioners abused the complainant with filthy language and molested her as well as causing damage to her tea stall. Thereafter the petitioners trespassed into her home and stolen away her title deeds, 15 sovereigns of gold and Rs.50,000/- cash by breaking open bureau. The prosecution submitted that if they released on bail, they would abscond from the clutches of law. Further the investigation is still pending against them. Having regard to the serious nature of the offence and the fact that investigation is still pending against the petitioners, anticipatory bail cannot be granted at this premature stage and no change of circumstances made out after dismissing the earlier bail petition. Therefore, the petition is liable to be dismissed.

In fine, the 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, Periyakulam.