

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
CUDDALORE DISTRICT, CUDDALORE

Present: THIRU. S. UTHAMARAJ, B.A., B.L.,
Principal Sessions Judge,
(Full Additional Charge),
Cuddalore.

Thursday, the 21st day of March 2024

Crl. Misc. Petition No. 1985/2024

And Crl.M.P. No. 2074/2024

1. Muthusamy, age 55, S/o. Mayakrishnan
2. Nadanakrishnan, age 24, S/o. Muthusamy
3. Jhansirani, age 24, D/o. Muthusamy
4. Kasthuri, age 46, W/o. Muthusamy. >> Petitioners/Accused

.Vs.

S.H.O. Maruthur P.S.
Cr.No. 13/2024 >> Respondent/Complainant

This petition is coming for hearing before me on this day in the presence of Thiru.P.Kaviarasan, Advocate for the petitioners and of Public Prosecutor for the respondent and this Court made the following

ORDER

Heard both sides.

This petition is filed U/s.438 of Cr.P.C for seeking Anticipatory Bail.

Prosecution case is that the FIR was registered as against the Petitioners/Accused for the alleged offences punishable U/Ss. 294(b), 352, 427, 441 and 506(ii) of IPC for the alleged occurrence took place on 04.11.2023. FIR was registered on 14.03.2024.

The Learned Counsel for the Petitioners/Accused has contended that the Respondent Police have registered an FIR as against the Petitioners/Accused *due to civil dispute between the parties* and that they have been falsely implicated in this case and they have not committed any offence as alleged in FIR. No injured in this case. Hence, prays to allow the petition.

Notice was ordered to the Learned Public Prosecutor and he has appeared before this Court and contended that totally 4 accused involved in this case and the Petitioners/Accused cut the Teak Wood worth about Rs.70,000/- and the investigation has not yet completed and hence, he has serious objection to grant Anticipatory bail to the Petitioners/Accused. However, admitted that the injured was discharged from the hospital.

Considering the rival submissions of both sides and considering the facts and circumstances of the case and the injured was discharged from the hospital, this Court is inclined to grant Anticipatory bail to the Petitioners/Accused with the following conditions:-

The Petitioners/Accused are ordered to be enlarged on bail in the event of arrest or on their surrender on or before **04.04.2024** before the **Learned Judicial Magistrate No.I, Chidambaram** on their executing a bond for Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the said Court, **failing which the Anticipatory bail granted by this Court shall stand dismissed automatically** and further the Petitioners/Accused shall report and sign before the **Respondent Police Station daily at 10.30 AM for 15 days** and thereafter as and when required. Further conditions that

(i) the Petitioners/Accused shall make themselves available for interrogation by a police officer as and when required.

(ii) the Petitioners/Accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(iii) the Petitioners/Accused shall not leave India without the previous permission of the Court.

(iv) Further on breach of any of the aforesaid conditions, the Learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners/Accused in accordance with law as if the conditions have been imposed and the Petitioners/Accused released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K. Shaji Vs. State of Kerala (2005) AIR SCW 5560).

(v) If the Petitioners/Accused thereafter absconds, a fresh FIR can be registered Under Section 229A of IPC.

The section of Law is amended as "U/Ss. 294(b), 352, 427, 441 and 506(ii) of IPC" instead of U/Ss. 294(b), 352, 441 and 506(ii) of IPC as per order in Crl.M.P.No.2074/2024 dated – 21.03.2024.

Accordingly, this petition is allowed.

Pronounced by me in Open Court, this the 21st day of March 2024.

Principal Sessions Judge,
(Full Additional Charge),
Cuddalore.

To : The Judicial Magistrate No. I, Chidambaram
Copy to : S.H.O. Maruthur P.S.

} Through
E-Mail only