

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

CrI. Misc. Petition No. 2055/2024

Nithishkumar, age 19, S/o. Muthu >> Petitioner/Accused

.Vs.
S.H.O. Tittakudi P.S.
Cr.No. 186/2023 >> Respondent/Complainant

This petition is coming for hearing before me on this day in the presence of Thiru.J.Karthikeyan, Advocate for the petitioner 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 Petitioner/Accused for the alleged offences punishable U/Secs. 341, 294(b), 324 and 506(ii) of IPC for the alleged occurrence took place on 27.08.2023 as per the FIR. FIR was registered on 28.08.2023.

The Learned Counsel for the Petitioner/Accused has contended that the Respondent Police have registered an FIR as against the Petitioner/Accused and that he has been falsely implicated in this case and he has not committed any offence as alleged in FIR. He has further contended that the Anticipatory Bail was already granted by this Court to the Petitioner/Accused in CrI.M.P.No.1367/2024 on 22.02.2024 and due to ill-health, the Petitioner/Accused was unable to surrender before the trial court in time. Hence, prays to allow the petition.

Notice was ordered to the Learned Public Prosecutor and he has appeared before this Court and contended that the Anticipatory Bail was already granted by this Court to the Petitioner/Accused and hence, he has no serious objection to grant Anticipatory bail to the Petitioner/Accused.

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

The Petitioners/Accused are ordered to be enlarged on bail in the event of arrest or on his surrender on or before **04.04.2024** before the **Learned Judicial Magistrate, Tittakudi** on his 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 Petitioner/Accused shall report and sign before the **Respondent/Police daily at 10.30 AM for 15 days** and thereafter as and when required. Further conditions that

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

(ii) the Petitioner/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 him from disclosing such facts to the Court or to any police officer;

(iii) the Petitioner/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 Petitioner/Accused in accordance with law as if the conditions have been imposed and the Petitioner/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 Petitioner/Accused thereafter absconds, a fresh FIR can be registered Under Section 229A of IPC.

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, Tittakudi

Copy to : S.H.O. Tittagudi P.S.

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Through
E-Mail only