



**IN THE COURT OF VACATION SESSIONS JUDGE, (PRINCIPAL
SESSIONS COURT) RAMANATHAPURAM.**

Present: **Thiru. B.C.Gopinath, M.L.**,
Vacation Sessions Judge, I/c.
Sessions Judge, Magalir Neethimandram,
Fast Track Mahila Court,
Ramanathapuram.

Friday, the 10th day of May 2024
CrI.M.P.No.9/2024
(CNR No. TNRM-01-000001-2024)

Pothiraj, (Aged 63)
S/o.Bothiraj,

...Petitioner/Accused

/vs/

State, through the Inspector of Police
Kamuthi P.S.,
in Cr.No.151/2024

...Respondent/Complainant

For Petitioner : Tr. R.Silambaraj, B.A., B.L., Advocate,
For Respondent :Tr.B.Karthikeyan,B.A., B.L., Public Prosecutor.

ORDER

This is a petition for Anticipatory Bail U/s.438 Cr.P.C.

The petitioner is the accused No.1 in Cr.No.151/2024 on the file of the respondent P.S., for alleged offences U/s. 341, 294(b), 506(i) IPC seeks anticipatory bail.

2. Heard both side and perused the records.

3. According to the prosecution, on 06.04.2024 at about 11.15 a.m, when the defacto complainant/VAO was proceeding to Kamuthi on Aruppukkottai to



Sayalgudi Highway, a tipper lorry came from behind blowing horn. The tipper lorry stopped across the road and a 50-60 years old man tried to get down from the tipper lorry, abusing her. She could not note the Registration Number of the tipper lorry in fear and rushed to the Tahsildar's Office, Kamuthi. She suspects that the owner of the tipper lorries bearing Reg.Nos. TN 65 BZ 9559, TN 42 Y 9799, TN 63 AH 7888, TN 65 BW 4477 would have attempted to assault her. Thereafter the case was registered by the respondent police.

4. The Learned Counsel for the petitioner would contend that the petitioner is innocent and the case has been foisted against him for some statistical purpose. Further he would submit that in Cr.No.144/2024 wherein see the defacto complainant for the occurrence on 06.04.2024, she has identified the petitioner by name. But however she has not identified that it is the petitioner who came in a lorry behind her two wheeler. She has lodged a complaint only on suspicion. Most of the investigation has been completed. He would further submit that there is no possibility to tamper with the evidence. Hence, he prays to grant anticipatory bail to the petitioner.

5. The Learned Public Prosecutor would submit that the occurrence took place on 06.04.2024 and FIR was registered on 27.04.2024. The defacto



complainant is a VAO. On the date of occurrence the petitioner proceeding in a tipper lorry in behind of the defacto complainant's two wheeler and tired to assault her. The petitioner is running sand quarry and the case was registered in connection with Cr.No.144/2024 by the respondent. Further he would submit that investigation is not yet completed. No one was injured in this case.

6. On perusing the materials and CD file, it is seen that the defacto complainant/VAO has only alleged that a tipper lorry came from behind by blowing horn and parked the tipper lorry across the road and a 50 – 60 years old man tried to get down from the lorry by abusing her. Then she rushed to the Tahsildar Office, Kamuthi without noticing the registration number of the tipper lorry. Therefore the complaint is as vague as it could be and does not divulge the commission of offence by any person. On suspicious she states that owner of those tipper lorries would have induced in the act. Therefore the petitioner has shown a very clear case for grant of anticipatory bail as there is no material to proceed against him. This Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance before **learned District Munsif-cum Judicial Magistrate, Kamuthi** on executing a bond for



Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate concerned within 30 days from the date of this order, failing which the order shall stand cancelled automatically. Further the petitioners shall adhere to the following conditions:-

i) that the petitioner shall make himself available for interrogation by a police officer as and when required,

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the court or to any police officer,

iii) that the petitioner shall appear before the respondent police everyday at 10.30 a.m until further orders;

iv) that the petitioner shall not abscond either during the investigation or trial.

8. On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions have been imposed and the petitioner enlarged on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji -vs- State of

TNRM000000012024



Kerala (2005 AIR SCW 5560)

9. If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

Pronounced by me in open Court this the 10th day of May 2024.

Digitally signed
by B C
GOPINATH
Date:
2024.05.10
20:52:41 +0530
Vacation Sessions Judge(i/c)
Ramanathapuram.
10.05.2024.

Copy sent through e-mail:

To

The District Munsif-cum-Judicial Magistrate, Kamuthi,

The Public Prosecutor, Ramanathapuram.

The Inspector of Police, Kamuthi P.S.,

The Petitioner through his Counsel.



**IN THE COURT OF VACATION SESSIONS JUDGE, (PRINCIPAL
SESSIONS COURT) RAMANATHAPURAM.**

Present: **Thiru. B.C.Gopinath, M.L.,**
Vacation Sessions Judge, I/c.
Sessions Judge, Magalir Neethimandram,
Fast Track Mahila Court,
Ramanathapuram.

Friday, the 10th day of May 2024

CrI.M.P.No.10/2024

(CNR No. TNRM-01-000002-2024)

Pothiraj, (Aged 63)
S/o.Bothiraj,

...Petitioner/Accused

/vs/

State, through the Inspector of Polic
Kamuthi P.S.,
in Cr.No.144/2024

...Respondent/Complainant

For Petitioner : Tr. R.Silambaraj, B.A., B.L., Advocate,

For Respondent :Tr.B.Karthikeyan,B.A., B.L., Public Prosecutor.

ORDER

This is a petition for Anticipatory Bail U/s.438 Cr.P.C.

The petitioner is the accused No.1 in Cr.No.144/2024 on the file of the respondent P.S., for alleged offences U/s. 294(b), 353, 506(ii) IPC r/w section 21(1) of MMDR Act seeks anticipatory bail.

2. Heard both side and perused the records.

3. According to the prosecution, the defacto complainant is a VAO.

Based on an information received over phone about illegal transportation of gravel sand, she directed her Assistant to go to the occurrence place on



06.04.2024 at about 11.30 a.m and found that there was 5 tipper lorries and unnumbered Hitachi vehicle parked without sand and he warned the Hitachi vehicle driver. The driver allegedly intimidated the Assistant of the VAO and tried to assault him. The petitioner came there in a 4 wheeler and he said that he has rights to quarry. When the defacto complainant went to the occurrence, all the vehicles were taken away from the occurrence place and were parked in the opposite area located in Virudhunagar District. When she questioned about that, the petitioner threatened her. Hence the case has been registered.

4. The Learned Counsel for the petitioner would contend that the petitioner is innocent and it is a purely foisted case. He would further contend that the petition is running a sand quarry . The petitioner transported gravel sand from the occurrence place based on lease deed which was executed by the land owners on 11.03.2024. Further he would submit that the petitioner is a heart patient and copies of his medical records have been submitted before this Court. Further he would submit that the occurrence took place on 06.04.2024 and complaint was lodged on 27.04.2024. There is no such occurrence as alleged. No property has been recovered from the petitioner. Most of the investigation has been completed. He would further submit that there is no possibility to tamper with the evidence. Hence, he prays to grant anticipatory



bail to the petitioner.

5. The Learned Public Prosecutor would submit that the occurrence took place on 06.04.2024 and FIR was registered on 27.04.2024. The defacto complainant is a VAO. There are totally 2 accused involved in this case. The petitioner is arrayed as A1 and he is running sand quarry. A2 is still absconding. Further he would submit that investigation is not yet completed. No properties have been seized from the occurrence place or the petitioner.

6. Considered the submissions made by the Counsel. It is seen from the FIR and connected papers that the petitioner had only parked his tipper lorries without any sand and the petitioner allegedly told the VAO that it is his land and he can quarry. However there is no allegation of actual illegal quarry or even attempt thereof or use of force to prevent a public servant from discharging his/her duties. Hence the petitioner has shown a clear case for grant of anticipatory bail. This Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance before **learned District Munsif-cum Judicial Magistrate, Kamuthi** on executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the



Judicial Magistrate concerned within 30 days from the date of this order, failing which the order shall stand cancelled automatically. Further the petitioners shall adhere to the following conditions:-

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8. On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions have been imposed and the petitioner enlarged on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji -vs- State of Kerala (2005 AIR SCW 5560)

TNRM000000022024



9. If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court this the 10th day of May 2024.

Digitally signed
by B C
GOPINATH
Date: 2024.05.10
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Vacation Sessions Judge(i/c)
Ramanathapuram.
10.05.2024

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To

The District Munsif-cum-Judicial Magistrate, Kamuthi,
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Kamuthi P.S.,
The Petitioner through his Counsel.