

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

Present : Thiru. B. Murugesan, B.A., B.L.,
Principal Sessions Judge, Erode

Thursday, the 30th day of November, 2023

Crl MP No.4396/2023

A.K.Rangasamy (46),
S/o. K.V.Komarasamy,
No.9/348, Azhagar Nagar,
Anthiyur Taluk,
Erode District.

... Petitioner/accused

Vs

State by Inspector of Police,
Appakoodal Police Station.
(Crime No.183/2023)

... Respondent/Complainant

Petition dated 24.11.2023 filed under [S.438 CrPC](#), praying to grant anticipatory bail to the petitioner/accused.

This petition coming on this day for hearing before me in the presence of Thiru.B.Mohan, Advocate for the petitioner and, Thiru.M.Arutchelvan, Public Prosecutor for the respondent and, upon hearing the arguments of both sides, this court made the following

ORDER

Heard both sides.

Claiming an order enlarging him on anticipatory bail, the petitioner/accused against whom a case has been registered for the offences punishable under S.294(b), 323 506 (i) and 379 IPC and under S.4 of Prohibition of Harassment of Women Act, 2002, in Cr. No.183/2023 on the file of Appakoodal Police Station, has filed this application under S.438 CrPC.

The case of the prosecution is that on 07.11.2023, the petitioner/accused has abused and assaulted the defacto complainant and his wife and thereby caused

injuries, threatened them with dire consequences and that he has committed the theft of 4 sovereigns of gold chain from the defacto complainant.

Learned counsel appearing for the petitioner/accused has submitted that this is a false case foisted against the petitioner/accused by the defacto complainant, owing to civil dispute, that the petitioner/accused has not committed any offence as alleged by the prosecution, that the injured have been discharged from the hospital, that the entire investigation has been completed, that there is a counter case has been registered by the respondent police against the defacto complainant and others in Cr. No.184/2023 for the injuries sustained by the defacto complainant and that therefore, anticipatory bail may be granted to the petitioner/accused.

Learned Public Prosecutor has submitted that there is a case and counter case, that the injured has been discharged from the hospital, that the petitioner/accused is a history sheeter, having 4 previous cases.

Considering the submissions placed on behalf of the petitioner/accused and of the prosecution, considering the fact that the only non-bailable offence involved in this case is under S.506(i) IPC, considering the fact that the injured have been discharged from the hospital, considering the fact that there is a counter case has been registered by the respondent police against the defacto complainant and others in Cr. No.184/2023 for the injuries sustained by the defacto complainant and considering the previous antecedents reported against the petitioner/accused, this court is inclined to grant anticipatory bail to the petitioner/accused but with stringent conditions.

In the result, anticipatory bail is granted to the petitioner/accused in the event of his arrest by the respondent police or on his surrender before the learned Judicial Magistrate No.I, Bhavani, on or before 14.12.2023, failing which this anticipatory bail shall stand cancelled and the petitioner/accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two

sureties, for the like sum each to the satisfaction of the learned Judicial Magistrate No.I, Bhavani, with further conditions,

- (i) that the photographs and left thumb impressions of the sureties be affixed in the surety bond,
- (ii) that a copy of their aadhar card/voter identity card/bank pass book of the sureties be furnished for their identity,
- (iii) that the cell phone numbers of the sureties and of the petitioner/accused be furnished,
- (iv) that the petitioner/accused shall stay in Karur Town and shall not leave Karur Town until further orders,
- (v) that the petitioner/accused shall report before the Inspector of Police, Karur Town Police Station, Karur, daily twice at 10.00 am and 05.00 pm and shall sign from the next date of his executing the bond until further orders,
- (vi) that the petitioner/accused shall not in any way tamper the witnesses or the investigation,
- (vii) that the petitioner/accused shall abide by the condition as contemplated under S.438 CrPC, and
- (viii) that in case of any violation of the above conditions, the learned Judicial Magistrate No.I, Bhavani, shall be at liberty to take action as per the judgment of the Supreme Court in P.K.Shaji Vs. State of Kerala AIR 2005 SCR 5560.

Pronounced by me in open court, this 30th day of November, 2023.

Principal Sessions Judge
Erode

Copy to:

1. Judicial Magistrate No.I, Bhavani
2. Inspector of Police, Appakoodal Police Station
3. Inspector of Police, Karur Town Police Station, Karur
4. Thiru.B.Mohan, Advocate, Bhavani