

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

PRESENT: Thiru. Swarnam J. Natarajan M.L.,
Principal Sessions Judge, Tiruppur.

Friday, the 14th day of October, 2022

Cr.M.P.No. 1956 / 2022

Ajithkumar (25)
S/o.Balasubramaniam.

.....Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Anupparpalayam Police station
Tiruppur city.

.....Respondent/Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.M.Palaniselvam, Advocate for the petitioner and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

ORDER

1. The petitioner, apprehending arrest for the offences punishable u/s.294(b), 323, 324 & 506(ii) IPC had filed this petition u/s.438 of Cr.P.C. seeking for his release on bail in the event of arrest.

2. The case of the prosecution is that the defacto complainant and the petitioner were attacked in respect of cinema matter at Bar. Both were injured and the petitioner admitted in hospital and gave statement against the defacto complainant. The respondent police registered case in counter. After that the respondent police got statement from the defacto complainant and registered the case against the petitioner.

3. According to the petitioner, he is having permanent residence, he is innocent, he is falsely implicated in this case, he has not committed any offence, he is the sole breadwinner of his family. He will not abscond or tamper the witnesses. He is ready to abide by any condition imposed by this court and willing to produce sufficient sureties to the satisfaction of this court and hence prays to grant anticipatory bail to him.

4. The learned Public Prosecutor has submitted that the investigation is pending, the A1 and A2 have to be arrested and to conduct enquiry and hence the prosecution side strongly opposed for grant of bail to the petitioners and prays for dismissal of the petition.

5. The petitioner was said to have committed offences u/s.294(b), 323, 324 & 506(ii) IPC. The CMP.Nos.1956/2022 and 1944/2022 are arising out of case and counter. The incident occurred in a cinema theater, wherein both the complainant and the accused persons have suffered injury. They were admitted in hospital and later released on bail. Considering the above circumstances, this court is inclined to consider the bail application and the petition is allowed.

In the result, the petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate No.III, Tiruppur within 15 days from today, on his executing a bond for Rs.10,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate No.III, Tiruppur with a condition that the petitioner is directed to stay at Palladam and sign before Palladam Police Station daily morning at 10.00 a.m., and evening at 5.00 p.m., for 30 days, thereafter he should appear before the court concerned on receipt of summon.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate shall obtain the copy of their Aadhar cards or bank pass books to ensure their identity.

The petitioner shall not try to contact, influence, threaten or pressurize the victim or complainant or other material witnesses and shall not tamper with the evidence and shall appear before the respondent / Investigation Officer as and when required for investigation.

On breach of the aforesaid conditions, the learned Judicial Magistrate No.III, Tiruppur is directed to take appropriate action against the petitioner in accordance with the law as laid out in the judgment of Hon'ble Supreme Court in P.K. Shaji in AIR 2005 SCW 5506.

If the petitioner absconds, a fresh F.I.R shall be registered u/s.229(A) of IPC.

Given by me, this the 14th day of October, 2022.

Principal Sessions Judge,
Tiruppur.

Copy to :

1. The Judicial Magistrate No.III, Tiruppur.
2. The Public Prosecutor, Tiruppur.
3. The Inspector of Police, Palladam Police station.
4. The Inspector of Police, Anupparpalayam Police station.
5. Counsel for the petitioner.