

In the Court of the Principal Sessions Judge, Sivagangai
Present: **Tmt.M.Sumathi Sai Priya, B.Sc., M.A., M.L., P.G.D.P.M., & I.R.,**
Principal Sessions Judge, Sivagangai

Wednesday, the 12th day of October - 2022

(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,
Purattasi Thingal 25th Day)

Criminal Miscellaneous Petition No.4475/2022

CNR No. TNSV010052612022

Arulanthu, (Age 74), (A1), S/o.Suvakkin,
D.No.1/27, Variyanvayal, Puliya, Devakottai Taluk, Sivagangai District.

...Petitioner/Accused

/Vs/

State through the Inspector of Police,
Devakottai Taluk Police Station,
Cr.No.178/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.S.Navaneethan, Advocate for the Petitioner/Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides and on perusing the material records, this court delivered the following;

ORDER

The petition dated:10.10.2022 has been filed u/s. 438 of Cr.P.C, praying to grant anticipatory bail to the petitioner/accused for the offences punishable under sections 294(b), 452, 323, 506(ii) of IPC and 4 of TNPWH Act.

The respondent police has registered a case against the petitioner in Crime No.178/2022 for the alleged offence under sections 294(b), 452, 323, 506(ii) of IPC and 4 of TNPWH Act. The alleged date of occurrence was 26.09.2022. The FIR was registered on 27.09.2022.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the records.

On perusal of FIR, it has been noted that a case has been registered for the offences under sections 294(b), 452, 323, 506(ii) of IPC and 4 of TNPWH Act., on the allegation that due to previous enmity between the parties with regard to civil dispute, on 26.09.2022 at around 08:00 p.m, the petitioner along with other accused house trespassed after preparation for hurt and abused the *defacto* complainant in filthy language and assaulted him with legs and also threatened him to kill. Thus, a case has been registered against the petitioner along with other accused.

The learned counsel for the petitioner/accused contended that this is second bail petition of this case, previous bail petition was already dismissed by this Court in CrI.M.P.No.4365/2022 dated.30.09.2022 and there is previous enmity between the parties with regard to civil dispute and the innocent petitioner had not committed any such offences, he has been falsely implicated in this case. Further, A2 was already enlarged on bail by the order of the learned Judicial Magistrate, Devakottai and that there is no previous case pending against the petitioner/accused. He has contended that if the petitioner/accused is granted bail, he is willing to offer substantial sureties for his appearance before this Court. Hence prays to enlarge the petitioner on anticipatory bail.

On the other hand, the learned Public Prosecutor has contended that the investigation is not yet completed and therefore if the petitioner is granted bail, he would abscond and also he may tamper with the material witnesses, thereby

hampering the investigation. Therefore, he has raised his strong objection to enlarge the petitioner on bail. Hence, prays to dismiss the petition. However, he would concede that co-accused was already enlarged on bail by this Court.

On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that there is previous enmity between the parties with regard to civil dispute and A2 was already enlarged on bail by the order of the learned Judicial Magistrate, Devakottai and that there is no previous case pending against the petitioner/accused and the petitioner/accused aged about 74 years and the same were conceded by the learned Public Prosecutor. Hence, on considering the above facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner/accused under the following stringent conditions;

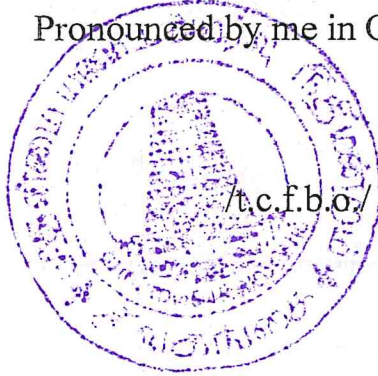
- that in the event of surrendering before the learned Judicial Magistrate, Devakottai, on or before 01.11.2022, the petitioner/accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Devakottai;
- the petitioner/accused shall appear and sign before the respondent P.S, daily twice at 08:00 a.m and 06:00 pm., for a period of 15 days, without fail;
- that the petitioner/accused should make available himself for interrogation as and when required by the respondent;

.4.

- that the petitioner shall not tamper with evidence or witness either during investigation or trial and the petitioner should not abscond either during investigation or trial; and
- furthermore, the petitioner should be available and co-operate for investigation.
- *If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.*
- If any of the conditions is violated / not complied with, it shall be reported to the Judicial Magistrate concerned who may cancel the bail, as if it was granted by him / her, by following the decision of Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported as C.D.J. 2005 S.C. 848: A.I.R. 2006 SC 100.

Pronounced by me in Open Court, this the 12th day of October-2022.

(S/d).M.Sumathi Sai Priya,
Principal Sessions Judge,
Sivagangai.



G. Venkateshvaran
12.10.2022
Sherishtadar,
Principal District Court,
Sivagangai.

To:-

1. The Judicial Magistrate, Devakottai.
2. The Inspector of Police, Devakottai Taluk Police Station.
3. Thiru.S.Navaneethan, Advocate for the Petitioner/Accused.

D. NO 9588

12/10/22

Principal Sessions Court,
Sivagangai

Cr.M.P.No.4475/2022

Order dated:12.10.2022