

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
Tuesday, the 11th day of October - 2022
(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,
Purattasi Thingal 24th Day)
Criminal Miscellaneous Petition No.4419/2022
CNR No. TNSV010051802022

Kannan, (Age 43), S/o.Karuppachamy,
D.No.34. Police line Street, Thiruppuvanam,
Thiruppuvanam Taluk, Sivagangai District.

...Petitioner/Accused

/Vs/

State through the Sub-Inspector of Police,
Thiruppuvanam Police Station,
Cr.No.371/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.I.Muniandi, 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:30.09.2022 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) and 506(i) of IPC and 4 of TNPWH Act.

The respondent police has registered a case against the petitioner in Crime No.276/2022 for the alleged offence under sections 294(b) and 506(i) of IPC and 4 of TNPWH Act. The alleged date of occurrence was 28.09.2022. The FIR was

registered on 29.08.2022.

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 offence under sections 294(b) and 506(i) of IPC and 4 of TNPWH Act., on the allegation that due to wordy quarrel between the parties, on 28.09.2022 at around 04:30 pm., the petitioner abused the defacto complainant in filthy language and also threatened her to kill. Thus, a case has been registered against the petitioner/accused.

The learned counsel for the petitioner/accused contended that there is wordy quarrel between the parties and the innocent petitioner had not committed any such offences, he has been falsely implicated in this case. Further, no one injured in this case and that there is no previous case pending against the petitioner/accused. He has also 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 if the petitioner is granted bail, he would abscond and also he may tamper with the material witnesses, thereby hampering the investigation. Hence, he has raised his strong objection to enlarge the petitioner on bail. However, he would concede that no one injured in this case and that there is no previous case pending against the petitioner/accused.

On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that there is wordy quarrel between the parties and no one injured in this case and that there is no previous case pending against the petitioner/accused 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 conditions;

- that in the event of surrendering before the learned District Munsif *cum* Judicial Magistrate, Thiruppuvanam, on or before 31.10.2022, 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 District Munsif *cum* Judicial Magistrate, Thiruppuvanam;
- the petitioner/accused shall appear and sign before the respondent P.S, daily at 09.00 a.m for a period of 30 days, without fail;
- that the petitioner/accused should make available himself for interrogation as and when required by the respondent;
- 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

.4.

- 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.

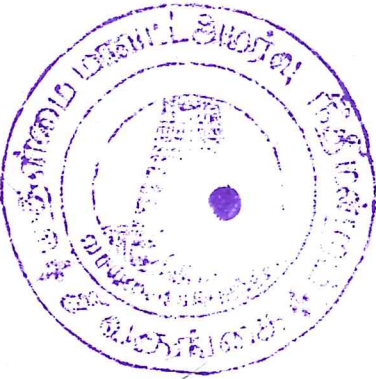
Pronounced by me in Open Court, this the 11th day of October-2022.

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

G. N. Venkatesan
11.10.2022

Sherishtadar,
Principal District Court,
Sivagangai.

V
11/10



/t.c.f.b.o./

To:-

1. The District Munsif cum Judicial Magistrate, Thiruppuvanam.
2. The Sub-Inspector of Police, Thiruppuvanam Police Station.
3. Thiru.I.Muniandi, Advocate for the Petitioner/Accused.

D.NO 9544
11/10/22

Principal Sessions Court,

Sivagangai

Cr.M.P.No.4419/2022

Order dated:11.10.2022