

In the Court of the Principal Sessions Judge, Sivagangai.

Present: Tmt.R.Sathia Thara, M.A., M.L.,

Additional Sessions Judge, Sivagangai.

Principal Sessions Judge (I/C), Sivagangai.

Friday, the 14th day of October - 2022

(Thiruvalluvar Aandu, 2053, Subakiruthu Varudam,

Purattasi Thingal 27th Day)

Criminal Miscellaneous Petition No.4461/2022

CNR No.TNSV010052282022

1. Nehru, (Age 62), (A1), S/o.Maharaja,
Pallivasal Street, Melapatti, Singampunari Taluk, Sivagangai District.
2. Bhagavathi, (Age 20), (A2), D/o.Nehru.
Pallivasal Street, Melapatti, Singampunari Taluk, Sivagangai District.
3. Malliga, (Age 58), (A4), W/o.Nehru,
Pallivasal Street, Melapatti, Singampunari Taluk, Sivagangai District.

...Petitioners/Accused

Vs/

State through the Sub-Inspector of Police,

Singampunari Police Station,

Cr.No.125/2022

...Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.G.Gunasekaran, Advocate for the Petitioners/Accused and of Thiru.A.Alagarsamy, Public Prosecutor for the state and upon hearing the arguments of both sides under 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 petitioners/accused for the offences punishable under sections 294(b), 324, 109 and 506(ii) of IPC

The respondent police had registered a case against the petitioners in Crime No.125/2022 for the alleged offences under sections 294(b), 324, 109 and 506(ii) of IPC. The alleged date of occurrence was 07.09.2022. The FIR was registered on 08.09.2022.

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

On perusal of F.I.R, it has been noted that a case has been registered for the offences under sections 294(b), 324, 109 and 506(ii) of IPC., on the allegation that due to previous enmity between the parties with regard to civil dispute, on 07.09.2022 at around 03:30 p.m, the petitioners along with other accused person abused the *defacto* complainant in filthy language and assaulted him with wooden stick and also threatened him to kill. Thus, a case has been registered against the petitioners along with other accused.

The learned counsel for the petitioners/accused contended that there is previous enmity between the parties with regard to civil dispute and the innocent petitioners have not committed any such offence, they have been falsely implicated in this case. Further, the counter case has been registered in Cr.No.124/2022 u/s. 294(b), 427 and 506(ii) of IPC by the petitioner against the *defacto* complainant and the injured was discharged from the hospital and that there is no previous case pending against the petitioners/accused. He has also contended that if the petitioners/accused are granted bail, they are willing to offer substantial sureties for their appearance before this Court. Hence, pray to enlarge the petitioners on bail.

On the other hand, the learned Public Prosecutor has contended that the investigation is at initial stage and therefore if the petitioners are granted bail, they would abscond and also they may tamper with the material witnesses, thereby hampering the course of investigation. Therefore, he has raised his strong objection to grant bail to the petitioners/accused. Hence, pray to dismiss the petition. However, he would concede that the injured was discharged from the hospital and that there is no previous case pending against the petitioners/accused.

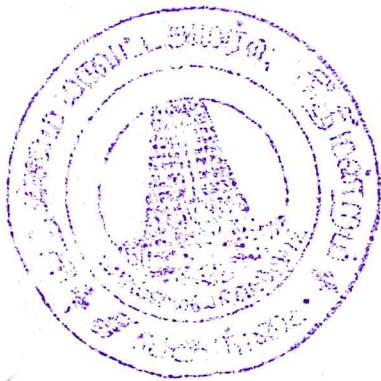
On considering the rival submissions made on both side and on perusal of case records and other relevant records would show that there is previous enmity between the parties with regard to civil dispute and that the counter case has been registered in Cr.No.124/2022 u/s. 294(b), 427 and 506(ii) of IPC by the petitioner against the *defacto* complainant and that the injured got simple injury, further the injured was discharged from the hospital and that there is no previous case pending against the petitioners/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 petitioners/accused under the following conditions;

- that in the event of surrender before the learned District Munsif *cum* Judicial Magistrate, Singampunari, on or before 03.11.2022, the petitioners/accused are ordered to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- each along with two sureties each for a like sum to the satisfaction of the learned District Munsif *cum* Judicial Magistrate, Singampunari;

- the petitioners/accused shall appear and sign before the respondent P.S, daily at 09.00 a.m., for a period of 15 days, without fail;
- that the petitioners/accused should make themselves available for interrogation as and when required by the respondent;
- that the petitioners/accused shall not tamper with evidence or witnesses either during investigation or trial and the petitioners should not abscond either during investigation or trial; and
- furthermore, the petitioners should be available and co-operate for investigation.
- 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 Court, this the 14th day of October – 2022.

(S/d).R.Sathia Thara,
Principal Sessions Judge (I/C),
Sivagangai.



t.c.f.b.c./

G. Velupillai Prasad
(14-10-2022)
Sherishtadar,
Principal District Court,
Sivagangai.

To:-

1. The District Munsif cum Judicial Magistrate, Singampunari.
2. The Sub-Inspector of Police, Singampunari Police Station.
3. Thiru.G.Gunasekaran, Advocate for the Petitioners/Accused.

Principal Sessions Court,

Sivagangai

D.No 9692

14-10-22

Cr.M.P.No.4461/2022

Order dated:14.10.2022