

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

Present: Thiru. S.Nagarajan, M.L.,

The Judge, Mahila Court, Tiruppur

The Principal Sessions Judge (I/C), Tiruppur

Wednesday, the 12th day of October, 2022

Cr.M.P. No. 1938/ 2022

Karthi, 20
S/o.Murugesh

... Petitioner / Accused

Vs.

The State rep. by
The Inspector of Police,
Veerapandy Police Station
Tirupur District.
Cr.No.691/ 2022

... Respondent / Complainant

This petition coming on this day for final hearing before me in the presence of Tr.J.Habib Rahman, 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 deliver the following :

ORDER

1. The petitioner, apprehending arrest for the u/s.294(b), 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 on 04.10.2022 at about 21.30 hrs., the petitioner had quarreled with the defacto complainant used filthy language and attacked him by using wooden rod and the defacto complainant sustained head injury and also threatened him. Hence, the defacto complainant lodged complaint.

3. According to the petitioner, he is innocent, he has not committed any offence, he is having permanent residence, he will neither abscond nor 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 accused is a habitual offender, if the petitioner is released on anticipatory bail, he will abscond and tamper the witnesses, he will threaten the defacto complainant, again he will indulge in same type of offence and hence the prosecution side strongly opposed for grant of anticipatory bail to the petitioner and prays for dismissal of the petition.

5. The petitioner was said to have committed offences u/s.294(b), 324, 506(ii) IPC. The learned counsel for the petitioner submitted that the victim has been discharged from the hospital. The learned Public Prosecutor has also fairly conceded that the injured has been discharged from the hospital. Taking into consideration, this court is inclined to consider the anticipatory bail application of the petitioner 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.IV, 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.IV, Tiruppur with a condition to appear before the Avinashi police daily morning at 10.00 a.m., and sign 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.IV, 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 12th day of October, 2022.

The Judge, Mahila Court, Tiruppur
Principal Sessions Judge (I/C)
Tiruppur.

Copy to :

1. The Judicial Magistrate No.IV, Tiruppur.
2. The Public Prosecutor, Tiruppur.
3. The Inspector of Police, Veerapandy Police Station.
4. The Inspector of Police, Avinashi Police Station.
5. Counsel for the petitioner.